

Section 4:

Response to Public Comment on the

Market Squid Fishery Management Plan



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Section 4
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1.1 Comments and Department Responses in the Final Statement of Reasons for Regulatory Action (dated 15 December 2004)

Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, Purse Seine Vessel Owners Association (PSVOA)	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-1. The PSVOA supports criteria for initial issuance that qualifies persons possessing a current valid permit and who made at least 50 landings between 1 January 1990, to 31 March 2003, or who fall under the 20 year grandfather provision.	Based on industry recommendations and the need to reduce the current market squid fleet size, the Commission chose the following criteria for the initial issuance of transferable market squid vessel permits: (1) made at least 50 landings during the window period 1 January 2000 – 31 March 2003, and (2) the possession of a current 04/05 market squid vessel permit. For the issuance of non-transferable market squid vessel permits, the Commission chose the following criteria: (1) made at least 33 landings with no window period, (2) the possession of a current 04/05 market squid vessel permit, and (3) the possession of a California Commercial Fishing License for at least 20 years.



Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-2. The PSVOA proposes that a reduced number of vessel permits and ultimate capacity goal be implemented over a 3-5 year period utilizing the following: (1) permit holders may move to larger capacity vessels, which will require ownership of a second permit and absorption of potential latent permits, (2) establish a relatively high permit fee that will discourage ownership for speculative purposes, (3) impose ongoing landing requirements as condition of renewing the permit, and (4) re-evaluate the limited entry program in 2007 to determine if the program is achieving capacity goal objectives.	<p>(1) Based on the initial issuance criteria the Commission selected (see C-1) and a capacity goal of 55 market squid vessels, the Commission adopted the Department's recommendation of Option K.3, which establishes full transferability of market squid vessel permits based on comparable capacity (within 10 percent) and also establishes transferability of market squid vessel permits to a vessel of larger capacity under a "2 for 1" permit retirement. Option K.3 will prevent an increase in fleet capacity while allowing new vessels to enter the fishery. It will also provide for an orderly fishery, promote conservation among fishery participants, and maintain the long-term economic viability of the fishery.</p> <p>(2) While the Commission could have selected an annual permit fee between \$400 and \$5,000 to cover the FMP's anticipated annual implementation cost of \$954,000, it balanced the financial needs of the Department against the impact to commercial fishermen and set the annual fees for vessel permits at: (1) \$2,000 for transferable market squid vessel permits, and (2) \$1,000 for non-transferable market squid vessel permits.</p> <p>(3) The regulations did not provide an option within restricted access that would impose ongoing landing requirements as a condition of renewing a permit. The Department did not support this concept because it would encourage fishing effort that may not otherwise happen.</p> <p>(4) It is the Commission's policy that each restricted access program be reviewed at least every four years, and if appropriate, revised to ensure that it continues to meet the objectives of the State and the fishery participants. The MLMA requires a review of each marine fishery every four years. (FGC §7065(a).)</p>



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Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-3. PSVOA maintains that permits established under either criterion (see C-1) should be fully transferable; however, this approach does not accelerate an ultimate capacity goal. For this reason, PSVOA would support an alternative that made grandfathered permits non-transferable.	See response to C-1 and C-2(1).
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-4. PSVOA supports the DFG limited entry criteria for light boat permits provided that criteria is supplemented to provide for an equal number of vessel and light boat permits. Therefore, current vessel permit holders who do not qualify for a vessel permit on or after 1 April 2004, should qualify for a light boat permit based on total landings between 1 January 1990, and 31 December 2002.	<p>The Commission adopted a market squid vessel capacity goal of 55 and a brail capacity goal of 18 for both transferable and non-transferable permits. The Commission also adopted a capacity goal of 34 for transferable light boat permits. This will allow a moderately productive and specialized fleet and would be less disruptive in terms of displacing vessels from the fishery and, thus, reduce impacts on fishing communities.</p> <p>PSVOA's recommendation for "supplemental vessels" was outside the scope of the regulatory options provided for the Commission's consideration. Moreover, the Department proposed only the use of logbook records to demonstrate participation in the fishery by light boats, given that light boats do not actually land fish unless it is by brail.</p>



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Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-5. PSVOA supports an 118,000 seasonal catch limit based on a recent three year average catch.	<p>The Commission adopted a seasonal catch limit of 118,000 short tons (Option A.2) but directed the Department to re-evaluate the catch limit in two years because of concerns for the lack of knowledge regarding squid stock abundance. Although there is little information to indicate whether the fishery is or is not sustainable at the higher catch levels experienced since the mid-1990's, as a precautionary measure, it is prudent not to allow landings to expand beyond present levels without better methods to assess the status of the resource.</p> <p>Regional catch limits were not adopted by the Commission for two reasons. First the smaller fishery in the northern region is not preempted by the catch in the southern region so continuing with a statewide limit does not create a "race for fish". The northern fishery typically harvests squid from April through September while the southern fishery does not begin catching squid until October. Second, from a biological perspective, squid harvested in the northern and southern fisheries are identical. No scientific information to date suggests that squid from southern and northern fisheries are from genetically distinct stocks. Their lengths, weights, and sex ratios are similar between regions. Although spawning peaks are at different times of the year for these regions, the temperature and depth of egg deposition is comparable between regions.</p>
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-6. PSVOA supports trip limits to improve quality, price stability, and capacity goal objectives. If not imposed in the initial MSFMP, then it should be a focus item for the Advisory Committee.	<p>The Commission chose not to establish daily trip limits at this time. The Department did not recommend the establishment of daily trip limits because the seasonal harvest limit had not been taken in recent years; therefore, there was not a race between vessels to land the allowable limit in as short of time as possible. Furthermore, fish processors implement their own trip limits as needed to regulate the amount of squid delivered per day.</p>



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Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-7. PSVOA supports continued statewide closure of the fishery from noon Friday to noon Sunday.	The Commission chose to continue closures from noon Friday to noon Sunday from the U.S.-Mexico border to the California-Oregon border. The statewide weekend closure is an environmentally protective, precautionary measure to provide spawning squid at least two consecutive nights each week respite from fishing pressure.
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-8. PSVOA opposes the setting aside of additional areas for harvest replenishment. Current and potential new set asides under the Marine Life Protection Act, weekend closures, and further restriction of vessel permits will provide ample resource protection.	<p>The Commission decided to leave general habitat and harvest replenishment closures to the MPA process under the MLPA; however, they did choose to establish a seabird closure restricting the use of attracting lights for commercial purposes in any waters off the Gulf of the Farallones National Marine sanctuary as currently described/defined on 27 August 2004.</p> <p>The 12 MPAs at the northern Channel Islands include known commercial squid fishing sites at Santa Barbara, Anacapa, Santa Cruz, and Santa Rosa islands. Approximately 14-19 percent of prior Southern California squid catches were in areas that are now permanently off-limits to squid fishing. In addition to the closures at the northern Channel Islands, commercial fishermen are not allowed to fish in state designated ecological reserves using roundhaul nets. Several existing reserves are known to be market squid spawning sites (e.g., Carmel Bay Ecological reserve, Point Lobos Ecological reserve, northeast side of Santa Catalina Island, and Santa Monica Bay); all serve as harvest replenishment areas for market squid.</p>
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-9. PSVOA supports relatively high and uniform fees to reach capacity goal objectives and fund necessary DFG research.	See response to C-2(2).



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Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-10. PSVOA does not believe that the Department's options adequately address the issue of gear restrictions. They maintain that vessels could utilize more environmentally benign fishing gear without sacrificing efficiency or productivity, and the issue should be a focus item for the Advisory Committee.	Comment noted. FGC §8606 provides for the development and testing of experimental gear independent of this FMP. Net restrictions do not clearly address a specific management need or goal and would be very program-intensive to enforce. The combination of MPAs, weekend closures, a seasonal catch limit, and a restricted access program is more effective in minimizing fishery impacts, resulting in reduced fishing effort on specific spawning aggregations and in other sensitive locations. Also, the Department is generally reluctant to recommend or develop a management measure without identifying an anticipated benefit of such a measure. However, the advisory committee is the correct entity for future evaluation of such a comment.
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-11. PSVOA supports establishment of a broad based advisory committee which could work in concert with the PFMC advisory committee for other coastal pelagic species.	The Commission adopted the establishment of one advisory committee for the squid fishery, which includes scientific, environmental, and industry representatives.
Ernest S. Pagan, market squid light boat operator	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 3 May 2004)	C-12. Does not support a qualifying time period for light boat permits of January 1, 2000, to December 31, 2002. The window period for limited entry should be extended to include new participants.	Taking into consideration the need to reduce the current market squid fleet size, the Commission chose the following criteria for the initial issuance of transferable market squid light boat permits: (1) submitted at least one market squid light boat logbook from dated on or prior to December 31, 2000, and (2) the possession of a current 04/05 market squid vessel permit.
Ernest S. Pagan, market squid light boat operator	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 3 May 2004)	C-13. The proposed permit fee of \$5,000 is too high especially for those vessel types with limited landing capability.	See response to C-2(2).



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Ernest S. Pagan, market squid light boat operator	verbal testimony provided to Commission dated 4 May 2004	C-14. Supports Option A.6, which does not set a seasonal catch limitation.	See response to C-5.
Diane Pleschner- Steele, California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004	C-15. Supports the goals and objectives of the MSFMP.	Comment noted.
Diane Pleschner- Steele, CWPA	verbal testimony provided to Commission dated 4 May 2004	C-16. Does not support the proposed permit fee of \$5,000 because the money will not go towards squid research.	See response to C-2(2).
Diane Pleschner- Steele, CWPA	verbal testimony provided to Commission dated 4 May 2004	C-17. Does not support the general habitat closure north of Pillar Point (Option Q.3) because the mobile nature of the squid resource requires flexibility for the fishermen.	See responses to C-8.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 27 August 2004 (similar to verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004 and to Commission dated 4 May 2004)	C-18. Does not support the proposed permit fee of \$5,000 because it would be a hardship to fishermen. Would support a permit fee of around \$1,000 and an increase in the landing tax.	Changing landing taxes requires legislative action. Also, see response to C-2(2).



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Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 27 August 2004 (similar to verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004 and to Commission dated 4 May 2004)	C-19. Does not support additional harvest replenishment and area and time closures.	See responses to C-8.
David Couch, San Diego fisherman	verbal testimony provided to Commission dated 4 May 2004	C-20. Author's comment mirrors C-18.	See response to C-2(2).
David Couch, San Diego fisherman	verbal testimony provided to Commission dated 4 May 2004	C-21. Does not support Department's preferred alternative, Option K.3, which establishes transferability of market squid permits to a vessel of larger capacity under a "2 for 1" permit retirement.	See response to C-2(1).
Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 22 April 2004)	C-22. At this time, supports the combination of the proposed cap on landings, at the level recommended by the Department, and continued monitoring of egg escapement.	See response to C-5. The Commission chose to monitor the fishery through the egg escapement method while pursuing a biomass estimate of market squid at an egg escapement threshold level required in the CPS FMP.



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Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 22 April 2004)	C-23. Does not support the general habitat closure north of Pillar Point (Option Q.3) because (1) squid is only one of a complex mix of forage animals; therefore, there is ample forage available despite the growth of the squid fishery in recent years and (2) the economic impact of the preferred option could be greater than the FMP suggests because the use of a long-term average of landings from north of Pillar Point down-weights the value of the recent catch.	See response to C-8. (1) As part of the 1997 Legislation enacted to protect the market squid resource, the Department was directed to determine where there are areas, if any, that should be declared harvest replenishment areas. Harvest replenishment and general habitat closures provide for specific areas where no squid fishing can occur and provide areas of uninterrupted spawning. In addition, general habitat closures are intended to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing and where there is the potential for interactions with non-targeted species such as salmon, seabirds, and marine mammals. (2) The speaker is correct that the value of recent catch is down-weighted when an average over many years is taken. However, if catches occurred in only one of the past six years in any magnitude, it is not reasonable to expect that a vessel would come to rely on the ability to make that catch in the future. Department catch data indicate that catches in 2003 north of the Monterey area were anomalous and unprecedented. While it is possible they may be repeated in some future years, the Department considered this loss in terms of future opportunity for expansion into these areas, rather than a loss of an area that has been historically productive.



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Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 22 April 2004)	C-24. Does not support the Department's preferred alternative, Option R.4., which establishes area and time closures restricting the use of attracting lights around Anacapa and Santa Barbara islands from February through September, because the need for this action is not well supported by published literature.	See response to C-8. Option R was selected as a recommended precaution by the Department considering the best scientific information that was available without substantially delaying the preparation of the plan. (FGC § 7072(b).) However, as recognized by the market squid legislation, information on this resource is limited, and the FMP addresses this with a research and monitoring component. As knowledge increases or additional management needs become apparent, the FMP will allow the Commission to react quickly to changes in the status of the resource or the fishery. The Department also supports efforts by other agencies or researchers to measure noise and other activities to determine if the squid fishery is impacting seabird colonies in the Channel Islands.
Frank Bertoni, commercial fisherman	verbal testimony provided to Commission 27 August 2004 (similar to comment in letters dated 22 April 2004 and 2 June 2004)	C-25. Does not support the Department's preferred alternative, Option Q.3, which closes the waters north of Pillar Point to commercial squid fishing.	See responses to C-8 and C-23.
Frank Bertoni, commercial fisherman	letter dated 2 June 2004 (similar to comment in letter dated 22 April 2004)	C-26. Does not support the proposed permit fee of \$5,000 because it eliminates the small market squid fishermen. Instead, the author would like to increase the squid landing fee from \$3.75 per ton to \$20.00 plus per ton.	See response to C-2(2).
Frank Bertoni, commercial fisherman	letter dated 2 June 2004 (similar to comment in letter dated 22 April 2004)	C-27. Does not support restricted access.	Comment noted. The possibility of a restricted access program was contemplated by the Legislature in the market squid legislation, as well as in the MLMA. (FGC §§7082(b), 8420(e), 8426(c).)



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Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-28. Supports Option A.3, which establishes regional season catch limitations based on a multi-year recent average catch for each region, especially if it takes into consideration an environmentally-dependent model, such as based on upwelling indices or sea surface temperatures. The preferred option (Option A.2) does not take into account environmental variability. Would like to modify the tonnage limit by consumption estimates for marine birds and mammals.	See response to C-5. Based on the best scientific information, Option A.2 takes into account the level of fishing effort and ecological factors, including, but not limited to, the species' role in the marine ecosystem and oceanic conditions. (FGC §§7050(b)(5), 7072(b), 8425(a).) The Department supports a harvest policy which assumes that the stock is above B_{MSY} because available data indicate that squid continue to serve as a primary source of forage even at times when the fishery is also utilizing the resource. For example, because squid continue to comprise a substantial portion of the diet of California sea lions during times that the fishery is landing high volumes of squid, there is no evidence to indicate that the squid resource is limited and not fulfilling its role as a forage item even during the heaviest times of fishery utilization. Therefore, it does not appear that any adjustment to the allowable catch level is needed to quantitatively reserve some amount of the resource for use as forage until there is a viable estimate of the squid population size and a viable estimate of the total amount of squid consumed by predators.
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-29. Supports the establishment of a fishery observer program to document potential effects on sensitive wildlife, particularly marine birds and mammals.	Currently, vessel owners or operators in the California purse seine fisheries are subject to the federal observer program under the Marine Mammal Protection Act (MMPA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). In June 2004, vessel owners and operators received notice from NMFS stating that a mandatory observer program had been instated. Under this program, observers will collect data on the interactions between California purse seine fishing gear and protected species, particularly marine mammals, sea turtles, and sea birds as well as target and non-target fish species.



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Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-30. (1) There should be a limit to the number of light boats per seiner, or (2) the total wattage should account for all boats within a given time.	(1) The Commission adopted a market squid vessel capacity goal of 55 and a brail capacity goal of 18 for both transferable and non-transferable permits. The Commission also adopted a capacity goal of 34 for transferable light boat permits. This will allow a moderately productive and specialized fleet and would be less disruptive in terms of displacing vessels from the fishery and, thus, reduce impacts on fishing communities. (2) Limiting the total wattage emitted by the fleet at any given time is not feasible as a management measure. Outside of weekend closure and proposed seasonal closure restrictions, the Department does not specify when or how many vessels may engage in squid fishing or lighting at a particular time, nor is there any reasonable way to track such information.
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-31. Replenishment areas should be set aside in southern, central and northern California. (1) Establish replenishment areas within known spawning areas, and (2) establish replenishment areas that are also important for marine bird and mammal foraging (i.e. northern Monterey Bay, Gulf of the Farallones).	See response to C-8.



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Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-32. None of the proposed alternatives offer uniform protection to all sensitive seabird nesting habitats. Option R.4 should be extended to include a buffer zone (one nm) applied to all seabird colonies, including the Channel Islands, Big Sur, Gulf of the Farallones, and Pt. Reyes. The time of closure should also be extended to 30 November to avoid potential light-related mortality of fledgling chicks and adult ashy storm-petrels (Option R.10).	See response to C-8. The seasonal closures were designed to provide various levels of protection to multiple seabird species which may have reduced, threatened, or endangered population levels. The Department did not provide a specific option that would close all the seabird colonies of the Channel Islands or an option that would close Big Sur; however, if new information becomes available, additional closures (or openings) can be considered.
Daniel L. Williams, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004 (similar to comment in letter dated 7 June 2004)	C-33. Currently, there is a need for light boats in the fishery because many of the seiners do not have a light boat to work with to their consternation. As a full-time fisherman for the past 24 years, the author would like to see a similar non-transferable or transferable permit option for the light boat permit.	See response to C-30(1). Taking into consideration the need to reduce the current market squid fleet size, the Commission chose the following criteria for the initial issuance of a non-transferable market squid brail permit: (1) have been a California Commercial Fishermen for at least 20 years, and (2) made at least 10 brail landings in a single fishing season between 1 January 2000, and 31 March 2003. Under the 20-year fishermen provision, landing data maintained by the Department is an appropriate basis for documenting fishery participation (FGC § 8101). Because the Department cannot verify historical participation by an individual in the squid light boat fishery before 1999 by evaluating landing receipts, there was no provision in the restricted access options to issue 20-year fishermen non-transferable light boat owner permits. At this time, light boat logs are the only uniform method available to the Department for evaluating prior performance in the light boat fishery.



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David W. Tibbles, commercial fisherman	letter dated 11 May 2004	C-34. Would like clarification on the initial issuance of market squid vessel permits based on the 20-year fishermen provision.	Based on industry recommendations and the need to reduce the current market squid fleet size, the Commission chose the following criteria for the issuance of a non-transferable market squid vessel permit: (1) made at least 33 landings with no window period, (2) the possession of a current 04/05 market squid vessel permit, and (3) the possession of a California Commercial Fishing License for at least 20 years.
Richie Aiello, vessel owner	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-35. Monterey boats were forced to fish other areas due to the large number of vessels fishing in such a small area. They historically looked above Pigeon Pt, but they normally did not have to fish the area.	Comment noted.
Richie Aiello, vessel owner	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C- 36. Many bought permits as real estate with no intention of fishing.	Comment noted.
Orlando Amoroso, President, Southern California Commercial Fishing Association (SCCFA)	verbal testimony provided to Commission dated 27 August 27 (similar to verbal testimony provided at the Monterey Special Hearing dated 23 July 2004)	C-37. Need clear grandfather criteria. Would also like to see a list of the qualifying boats and a list of proposed grandfather boats.	See response to C-33 and C-34. The Department cannot release the names of fishermen who would qualify for the restricted access program because public disclosure of the names is prohibited under Fish and Game Code section 8022(a).
Joe Capuccio, processor	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-38. There will be a federal observer program soon. Use their information as a supplement to documented research.	Comment noted. The observer data will be made available to the Department and, if applicable, will be used for future management and research needs. Also, see response to C-29.



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Joe Capuccio, processor	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-39. There are fewer boats fishing now than when the MSFMP began. Times are different and new rules should apply.	Comment noted.
Joe Capuccio, processor	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-40. Increased fees will cripple small boats and allow for large corporate owned boats to take over.	See response to C-2(2).
Joe Capuccio, processor	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-41. Wants to know if anyone has considered the impacts of an exploding marine mammal population on squid.	Comment noted. The best available data indicate that squid continue to serve as a primary source of forage even at times when the fishery is also utilizing the resource. Squid comprise a substantial portion of the diet of California sea lions during times that the fishery is landing high volumes of squid. There is no evidence to indicate that the squid resource is limited and not fulfilling its role as a forage item even as sea lion populations continue to grow at a rate of approximately 5 percent per year. The Department acknowledges that squid is an important source of prey for many species as identified in the Predator/Prey relationship section (Section 2.1.6) of the MSFMP.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission dated 27 August 27 (similar to verbal testimony provided at the Monterey Special Hearing dated 23 July 2004)	C-42. Proposes the following qualifying period for initial issuance of market squid vessel permits: made at least 50 landings between January 2000 and March 2003 and hold a 04/05 market squid permit.	See response to C-1.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-43. There should be an appeals process. This will allow markets to keep most of their boats, and current active boats would qualify.	Initial issuance appeals are provided for in the regulations (Section 149.1(e), Title 14, CCR).



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David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-44. Proposed \$5,000 fee is too high. This will increase overhead costs, create hardship, and eliminate boats.	See response to C-2(2).
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-45. The proposed weekend closure (District 16) (Option D.5) is to give fishermen and processors a break, which prevents 24 hour fishing activity. The proposal was not conceived as a conservation measure.	See response to C-7.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission dated 27 August 2004 (similar to verbal testimony provided at the San Pedro Special Hearing dated 16 August 2004 [presented by Don Brockman])	C-46. Does not support the closure north of Pillar Point (Option Q.3). Fishermen are willing to fish around the Farallon Islands with no lights.	See responses to C-8 and C-23.
Ernest Pagan, market squid light boat operator	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-47. Have a 60-year age exemption to get permit if don't qualify under initial issuance.	The Commission chose to use prior participation in the squid fishery instead of age as criteria for the initial issuance of squid permits. However, provisions of FGC §8101 specify that any licensed 20-year California Commercial fisherman is eligible to participate in the first year of a newly established limited entry program provided there is demonstration of one season of prior participation in the fishery. Also, see responses to C-33 and C-34.
Ernest Pagan, market squid light boat operator	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-48. Wants to know how the grandfather clause will work for light boats that fished prior to when logs were required.	See response to C-33.



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Diane Pleschner-Steele, CWPA	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-49. Closure options should be based upon evidence.	Comment noted. The Harvest Replenishment/General Closure Areas (Option Q) and the Area and Time Closures to Address Seabird Issues (Option R) were presented in the FMP using the best scientific information that was available without substantially delaying the preparation of the plan. (FGC § 7072(b).) However, as recognized by the market squid legislation, information on this resource is limited, and the FMP addresses this with a research and monitoring component. As knowledge increases or additional management needs become apparent, the FMP will allow the Commission to react quickly to changes in the status of the resource or the fishery. Also, see response to C-8.
Diane Pleschner-Steele, CWPA	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-50. Fishermen and processors can't agree on fleet size. Fishermen want fewer boats and processors want more boats. Processors would like around 70 vessels with a limited number of grandfather permits.	See response to C-1 and C-2(1).
William J. Sydeman, Director Marine Ecology Division, PRBO Conservation Science	e-mail dated 6 August 2004	C-51. The cap (118,000 tons) proposed by the Department (Option A.2) is biased high because it reflects catch during three very productive years (1999-2002). The use of a limited time series to estimate LTPY is a flawed approach. Therefore, the squid fishery must be managed adaptively by establishing seasonal catch limitations based on environmental conditions.	See response to C-5. The Department agrees that it would be ideal to base the catch limit on environmental conditions (i.e., El Niño) to prevent overfishing. However, current scientific modeling cannot reliably predict either environmental conditions or their effect on living marine organisms. El Niño Southern Oscillations (ENSO) events are a highly variable phenomenon, lasting from 12-18 months, and the time between events ranges from two to seven years. In addition, the strength of the warming events varies greatly from event to event. Limiting the fishery based on an unpredictable phenomenon would likely have no impact on the resource because the low availability of squid significantly reduces fishing effort.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
William J. Sydeman, Director Marine Ecology Division, PRBO Conservation Science	e-mail dated 6 August 2004	C-52. The Department's preferred Option Q.3 closes the fishery north of Pillar Point. This is appropriate to protect the ecosystem of the Gulf of the Farallones/Cordell Bank National Marine Sanctuaries but places great pressure on squid resources of the southern California Bight.	See responses to C-8 and C-23.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-53. Author's comment mirrors C-51.	See response to C-51.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-54. Squid are central prey for marine birds and mammals as well as for recreationally and commercially valuable predatory fish populations in the California Current System. As mandated by the Marine Life Management Act and Magnuson-Stevens act, management of the market squid fishery must be based on an ecosystem perspective. This means that the needs of ecologically dependent species must be taken into account when setting fishery quotas and producing other regulatory actions.	See responses to C-5, C-8, and C-41.



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Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-55. Supports Option E.1, which continues the existing squid monitoring program. Additionally, recommends a monitoring program for non-target species to assess ecological consequences of implemented regulations.	Taking into consideration the need to monitor the fishery to improve the development of management models, the Commission decided to maintain the current port sampling and logbook requirements.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-56. Supports Option B.1, which monitors the fishery through the egg escapement methods while pursuing a biomass estimate of market squid at an egg escapement threshold level required in the CPS FMP.	The Commission chose to monitor the fishery through the egg escapement method while pursuing a biomass estimate of market squid at an egg escapement threshold level required in the CPS FMP.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-57. Supports Option D.4, which maintains statewide weekend closures and extends the range of closure to include additional days and/or times for areas north of Point Conception.	See response to C-7.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-58. Supports Option F.2, which establishes a permit for the taking of market squid as live bait.	Because the volume of squid taken as live bait is small, the Commission did not adopt the establishment of a live-bait permit at this time.



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Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-59. Supports gear restrictions that would set a wattage limitation of 15,000 watts for vessels fishing for squid and lighting for squid. Also supports Option G.4, which would establish gear restrictions that state that each vessel fishing for squid and lighting for squid will utilize shielding that will reduce the light scatter of its fishing operations by shielding the entire filament of each light used to attract squid and orient the illumination directly downward or provide for the illumination to be completely below the surface of the water.	The Commission felt that the current wattage levels (30,000 watts) were adequate for bird protection; however, they did adopt Option G.4, which requires the lower edges of the light shields to be parallel to the deck. This will help reduce light scatter that may have a negative impact on seabirds or coastal communities.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-60. Supports Option H.3, which establishes a capacity goal for market squid vessels that produces a moderately productive and specialized fleet.	See response to C-30(1).
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-61. Supports the adoption of both Option Q.2, which closes all waters within depths of 100 fathoms around San Nicolas Island, and Option Q.4, which states that squid may not be taken for commercial purposed in any waters of the Gulf of the Farallones National Marine Sanctuary.	See responses to C-8.



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Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-62. Supports Option R.2, which establishes area and time closures restricting squid fishing around Anacapa and Santa Barbara Islands from 1 February through 30 September (1 nm closure), in addition to an extra provision that establishes area and time closures restricting squid fishing around major seabird colonies in the Monterey Bay National Marine Sanctuary from 1 February through 30 September (1 nm closure), including Año Nuevo Island.	See responses to C-8. Area and time closures restricting squid fishing around major seabird colonies in the Monterey Bay National Marine Sanctuary and around Año Nuevo Island were not included in the range of regulation options that were under consideration by the Commission.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-63. Supports the fishermen's alternative plan of 50 deliveries from 1 January 2000, through 31 March 2003. Also feels that the bail criteria should also be from 1 January 2000, through 31 March 2003 with 5 to 10 deliveries.	See response to C-1. Taking into consideration the need to reduce the current market squid fleet size, the Commission chose the following criteria for the initial issuance of a transferable market squid bail permit: (1) the possession of a current 04/05 market squid permit and (2) made at least 10 landings with bail gear between 1 January 2000, and 31 March 2003.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 27 August 2004 (similar to verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004)	C-64. Supports Option A.2, which established a statewide quota of 118,000 tons.	See response to C-5.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-65. Supports Option G.1, which maintains existing gear option regarding shields and wattage (30,000 watts).	See response to C-59.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Peter Divona, Long Beach processor	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-66. Author's comments mirror C-63.	See response to C-63.
Peter Divona, Long Beach processor	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-67. Author's comments mirror C-44	See response to C-2(2).
Rich Ashley, market squid vessel operator	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-68. Author's comments mirror C-63.	See response to C-63.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Chris Mobley, Channel Islands National Marine Sanctuary (CINMS)	letter dated 16 August 2004	C-69. The Sanctuary is concerned that the Department's preferred option (Option A.2) of 118,000 tons is not "risk-neutral" and has the potential for adverse stock and environmental effects. They believe that a more prudent approach would be to use a more representative time frame for setting a catch limit, on the order of the last 10 years of catch which includes dramatic environmental conditions and the rapid expansion of the fishery. Therefore, they support Option A.1, which establishes a seasonal catch limitation of 80,000 tons, to better protect the integrity of the marine ecosystem in the Sanctuary and the long-term sustainability of the fishery.	See response to C-5. The Department acknowledges that squid are data-poor; however, the stock appears robust enough to withstand high levels of landings because the market squid fishery can support landings of greater than 100,000 tons in multiple seasons (1999-2002). This is likely due to specific reproductive characteristics of squid, for which there is scientific information. The short lifespan of market squid coupled with the existence of multiple cohorts within a year suggests that the spawning biomass undergoes continuous recruitment. Therefore, a default control rule of 1.0, which assumes that the stock is above the average spawning biomass (BMSY), rather than the lower value of 0.67 (Option A.1), which assumes that the stock is above the minimum stock size threshold (MSST) but below BMSY, is most likely appropriate for this species. However, to give forewarning of any over-harvest, Option A.2 will also be applied in conjunction with monitoring the fishery through the egg escapement method. In addition, the combination of MPAs, weekend closures, and a restricted access program will minimize resource impacts by reducing fishing effort on specific spawning aggregations and in other sensitive locations.
Chris Mobley, CINMS	letter dated 16 August 2004	C-70. Supports the Department's preferred option (Option D.1) for continuation of the weekend closures, including the Sanctuary waters.	See response to C-7.



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Chris Mobley, CINMS	letter dated 16 August 2004	C-71. Supports continued squid monitoring to improve the development of management models and provide a better understanding of squid population dynamics. The Sanctuary also recommends that the Department in collaboration with the squid industry, academia and agency partners such as the Sanctuary, enhance fishery-independent monitoring	See response to C-55. Comment noted. The MLMA supports collaboration with the fishing industry, other agencies, and academia (FGC sections 7050(b), 7056(k), and 7059(a).).
Chris Mobley, CINMS	letter dated 16 August 2004	C-72. Supports the continuation of existing gear restriction on light wattage and shielding (Option G.1)	See response to C-59.
Chris Mobley, CINMS	letter dated 16 August 2004	C-73. Supports the establishment of a capacity goal; however, the goal should be commensurate with the catch limitation and based on the Sanctuary's recommendation for a lower catch limit the capacity target would have to be recalculated.	See response to C-30(1).



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Chris Mobley, CINMS	letter dated 16 August 2004	C-74. Supports Option R.1, which establishes area and time closures restricting squid fishing around Anacapa, Santa Barbara, and San Miguel Islands from 1 February through 30 September (1 nm). In addition, the Sanctuary recommends consideration of year round closures at the above islands given the seasonal variability among species and from year to year due to natural causes (i.e. El Nino Events).	See response to C-24.
Orlando Amoroso, SCCFA	verbal testimony provided to Commission dated 27 August 27 (similar to comment in letter dated 23 August 2004)	C-75. Recommends a compromise that would accept the Monterey proposal as written (50 landings, 1/1/2000-3/31/2003 window period) without excluding those historic fishermen that have already qualified for initial issuance under the Department's preferred position (50 landings, 1/1/1990-11/12/1999 window period).	See response to C-1.



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Orlando Amoroso, SCCFA	letter dated 23 August 2004	C-76. Supports a grandfather clause that is based not so much on "how many" but "how fair". The association is sympathetic to the needs of those fishermen that have pioneered and contributed to the success of the squid fishery...but may miss initial issuance of transferable permits due to extreme circumstances or factors beyond their control.	Comment noted. For the issuance of non-transferable market squid vessel permits, the Commission chose the following criteria: (1) made at least 33 landings with no window period, (2) the possession of a current 04/05 market squid vessel permit, and (3) the possession of a California Commercial Fishing License for at least 20 years. These criteria are intended to include those historical fishermen who have shown historical participation in the fishery both by landings and have maintained permits. Fishermen may also appeal exclusion from initial issuance. Appeals are provided for in the regulations (Section 149.1(e), Title 14, CCR).
Orlando Amoroso, SCCFA	verbal testimony provided to Commission dated 27 August 27 (similar to comment in letter dated 23 August 2004)	C-77. Supports a permit fee of \$400.	See response to C-2(2).
Michael J. Bovovina, purse seine vessel owner	letter received 23 August 2004	C-78. Supports a 20-year window period from 1984 through 2004 for initial issuance.	See response to C-1.
Michael J. Bovovina, purse seine vessel owner	letter received 23 August 2004	C-79. All permits should be transferable.	See response to C-2(1). The Commission decided on non-transferable permits for 20-year fishermen because they wanted to provide an opportunity for fishermen who have had a history in the squid fishery but did not fish at the level that was required for a transferable squid permit to continue to do so.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-80. Author's comment mirror C-69.	See response to C-5.



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Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-81. Author's comment mirror C-70.	See response to C-7.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-82. Author's comment mirror C-71.	See response to C-71.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-83. Author's comment mirror C-72.	See response to C-59.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-84. Author's comment mirror C-73.	See response to C-30(1).
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-85. Author's comment mirror C-74.	See response to C-24.
Kate Wing, NRDC	verbal testimony provided to Commission dated 27 August 2004	C-86. Does not like the MSY approach for squid because the Restrepo, et al (1998) guidelines were established for longer lived species. Would rather see squid managed by egg escapement and time and area closures coupled with a catch limitation that is not fixed.	See responses to C-5, C-8, C-56, and C-69.



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Kate Wing, NRDC	verbal testimony provided to Commission dated 27 August 2004	C-87. The MSY option is not consistent with current law (MLMA) because there is no optimum yield (OY) calculation in the plan.	See responses to C-5 and C-69. The MLMA states that the primary fishery management goal is sustainability and, in the case of a fishery managed on the basis of MSY, that OY is only an objective. (FGC 7056(a).). Where, as here, there is insufficient knowledge to calculate MSY, proxies can be used for both MSY and OY. As uncertainty decreases about the status of stocks and their response to fishing pressure, less or more precautionary management measures can be adopted. This approach to risk management reduces the chance of inadvertent overfishing when little is known about the status of a stock.
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 27 August 2004	C-88. The catch limitation recommended by the Department (Option A.2) is too high. Would rather see Option A.1 used as a calculator with the catch limitation set year to year.	See responses to C-5 and C-69.
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 27 August 2004	C-89. Supports a maximum wattage limitation of 15,000 watts.	See response to C-59.
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 27 August 2004	C-90. Does not support such a large area closure for District 10. Does support an area closure for the Gulf of Farallons only if a lower catch limitation is chosen coupled with other area closures around the Channel Islands.	See response to C-8.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-91. Supports a catch limitation of 100,000 tons, with area quotas of 1,000 tons (for an experimental fishery) above Pt. Arena and 99,000 tons for the remainder of California.	See response to C-5.



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Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-92. Supports limited entry (55 vessel permits/52 light boat permits) with 2 to 3 permits for a north coast experimental fishery.	See response to C-30(1). The Commission decided to establish up to three non-transferable experimental gear fisher permits because of testimony from fishermen who would like to establish squid fisheries in non-traditional areas.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-93. Would like to keep permit fees between \$1,000 and \$2,500 and would also like to increase the landing tax.	See response to C-2(2).
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-94. Supports a four day fishery for District 10 and 16, Monday 1200- Friday 1200.	See response to C-7.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-95. Supports the establishment of areas closed to squid vessels using attracting lights around the Farallons and/or Pt. Reyes (2 nm closure).	See response to C-8.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-96. Author's comments mirror C-59.	See response to C-59.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-97. Supports a 40 ton trip limit.	See response to C-6.



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Diane Pleschner-Steele, CWPA	verbal testimony provided to Commission dated 27 August 2004	C-98. Supports Option A.2, which would establish a catch limitation of 118,000 tons, because (1) the catch limitation is based on the best available science, (2) squid are found coast-wide, (3) squid are genetically homogenous, (4) females show evidence of spawning at least once before catch, and (4) El Nino is unpredictable and the resource has shown to manage itself during this event.	See response to C-5.
Diane Pleschner-Steele, CWPA	verbal testimony provided to Commission dated 27 August 2004	C-99. Does not support additional area and time closures because many fishing spots are already closed by the MPA's.	See responses to C-8.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission dated 27 August 2004	C-100. Supports a District 16 closure from 1200 Friday - 1200 Monday.	See response to C-7.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission dated 27 August 2004	C-101. Supports a catch limitation of 100,000 tons.	See response to C-5.
Kathy and Steve Fosmark, commercial fishers	verbal testimony provided to Commission dated 27 August 2004	C-102. Wants grandfather qualifications to allow current permit holders with no landing qualifications.	See responses to C-33 and C-34.



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Pete Dupuy, commercial fishermen	verbal testimony provided to Commission dated 27 August 2004	C-103. For the grandfather clause, would like the Commission to consider the following criteria (1) holds a current 04/05 market squid permit, (2) made a minimum of 40 landings prior to 27 August 2004, and (3) has had a CFL for at least 20 years.	See response to C-34.
Mike McHenry, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004	C-104. Would like to see District 10 left open for squid fishing.	The Commission did not close District 10.
Terrance Mines, market squid light boat operator	verbal testimony provided to Commission dated 27 August 2004	C-105. Does not support weekend closures. With all the closures, would like to be able to fish weekends.	See response to C-7.
Terrance Mines, market squid light boat operator	verbal testimony provided to Commission dated 27 August 2004	C-106. The permit fees are too high.	See response to C-2(2).
Terrance Mines, market squid light boat operator	verbal testimony provided to Commission dated 27 August 2004	C-107. Author's comment mirrors C-79.	See response to C-79.
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 27 August 2004 (similar to comment in letter dated 25 February 2004)	C-108. Supports an experimental fishery (5 transferable permits) and would like to establish a squid fishery in Fort. Bragg	See response to C-92.
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 27 August 2004	C-109. Author's comment mirrors C-25.	See responses to C-8.



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Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 27 August 2004 (similar to comment in letter dated 25 February 2004)	C-110. Author's comment mirrors C-89.	See response to C-59.
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 27 August 2004 (similar to comment in letter dated 25 February 2004)	C-111. Keep all existing squid permits; however, permits should be issued to squid fishermen by region with the Fort Bragg region being defined with the northern boundary approximately at Cape Mendocino and the southern boundary with three possibilities: Pt. Reyes, Gualala, or Pt. Arena.	The Commission had the option of continuing the current permit program under the moratorium. However, that alternative was not adopted because it is not in accordance with the intent of the legislation to protect the resource and manage the fishery at a level that sustains healthy squid populations, taking into account the level of fishing effort and ecological factors, including, but not limited to, the species' role in the marine ecosystem and oceanic conditions. Commission also had the option of moving toward regional management for the fishery by adopting two specific regulatory provisions, regional catch limits and a regional control date. Neither of these options was adopted by the Commission because the Commission determined that regional management is not necessary at this time to effectively manage the fishery.
Frank Mateljan, representative for Tri Marine International Inc.	verbal testimony provided to Commission dated 27 August 2004	C-112. Does not support area and time closures.	See responses to C-8.
Frank Mateljan, representative for Tri Marine International Inc.	verbal testimony provided to Commission dated 27 August 2004	C-113. Does not support squid catch limitations because industry and resource is resilient.	See response to C-5.
Tim Sullivan, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004	C-114. Supports the establishment of areas closed to squid vessels using attracting lights around the Farallons and/or Pt. Reyes. Does not support Option Q.3, which closes squid fishing north of Pillar Point.	See responses to C-8 and C-23.



FINAL MARKET SQUID FISHERY MANAGEMENT PLAN
DATED: 25 March 2005

Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
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Tim Sullivan, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004	C-115. Author's comment mirrors C-89.	See response to C-59.
Tim Sullivan, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004	C-116. Supports the Department's initial issuance criteria for market vessel permits (possession of a current market squid vessel permit and made at least 50 landings between 1/1/1990-11/12/1999).	See response to C-1.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-117. Each permittee should be limited to an annual catch not to exceed 1,000 tons. This would distribute the allowable quota evenly to each permittee and there would be less chance of over harvesting individual spawns.	Comment noted. The Commission chose not to establish daily trip limits which would function similar to an annual limit. The Department did not recommend the establishment of daily trip limits because the seasonal harvest limit had not been taken in recent years; therefore, there was not a race between vessels to land the allowable limit in as short of time as possible. Furthermore, fish processors implement their own trip limits as needed to regulate the amount of squid delivered per day.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-118. Landings should not exceed 30 tons per vessel in a 24-hour period in an effort to conserve biomass in a specific area.	See responses to C-6 and C-117.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-119. The seine net depth should be no more than the ocean depth in which it is deployed. This is to prevent the seine net from scraping the ocean floor.	See response to C-10.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-120. Provisions should be made for observer's to access the squid fishery.	See responses to C-29.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-121. Advisors should be established for the proposed Fort Bragg region.	See response to C-11.



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Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-122. The landing tax should be increased to support enforcement and resource research on an equal balance. This would be preferable, coupled with a tolerable permit fee, to lower the burden on smaller operations.	See response to C-2(2).
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-123. The Department should eventually allow for two permits to be attached to one vessel in order to reduce fleet size.	See response to C-2(1).
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-124. Does not consider the suggested quota of 118,000 to be "risk neutral". They recommend that the State adopt the 80,000 ton limit (Option A.1) as an interim step to using an adaptive, in-season management system based on egg escapement monitoring.	See responses to C-5, C-56, and C-69.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-125. Supports continued monitoring for the squid fishery and egg escapement because monitoring is important for tracking and understanding the impacts from this fishery and the status of populations.	See response to C-56.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-126. Supports limiting the fleet size because it is important to the natural resources and to the economics of the individual fishermen not to overcapitalize this fishery.	See responses to C-1, C-12, C-30(1), and C-33.



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Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-127. Agree with the recommendation of the MSFMP Peer Review Panel that a) a fixed annual quota be treated as a transitional management tool and b) this fixed annual quota be split by region at Point Conception.	See response to C-5.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-128. An observer program is needed to document fishery interactions with wildlife, monitor by-catch, and independently verify the data reported through other sources.	See response to C-29.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-129. Supports weekend closures for the purpose of giving spawning aggregations a rest and want to be sure that the islands are included in the weekend closures.	See response to C-7.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-130. Recommends that live bait operations be included in the squid catcher vessel permit system. Also, recommends that expanded data collection from the live bait fishery is needed.	See response to C-58.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-131. Encourages the Commission to support research into the effects of light on seabirds and other organisms. In the interim, they support Option G.4, which would establish gear restrictions for each vessel fishing for squid and light for squid that will utilize shielding that will reduce the light scatter of its fishing operations by shielding the entire filament of each light used to attract squid and orient the illumination directly downward, or provide for the illumination to be completely below the surface of the water. This option should be further reviewed in three years after further study into alternative gear to reduce light.	See response to C-59. Comment noted. The MSFMP does have a research and monitoring component. However, the Department also supports efforts by other agencies or researchers to determine if the squid fishery is impacting seabird colonies at the Channel Islands.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-132. Supports establishing area and time closures restricting squid fishing around Anacapa, Santa Barbara, and San Miguel Islands (1 nm). They also strongly recommend expansion of seasonal closures to the entire year to protect both seabird and pinniped populations present throughout the year.	See response to C-8.
Senator Wesley Chesbro, State Senator, Second District	letter dated 25 August 2004	C-133. Supports a small squid fishery north of Pt. Reyes.	See response to C-92.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Assembly Member Patty Berg, Chair, Joint Committee on Fisheries and Aquaculture	letter dated 20 August 2004	C-134. Supports a small squid fishery off the north coast and would like to see the Commission issue some experimental permits.	See response to C-92.
Kate Wing, NRDC	letter dated 29 September 2004	C-135. Would like to Commission to reconsider the seasonal closures at Anacapa and Santa Barbara Islands under the MSFMP (Option R.4) at their October meeting and vote to adopt them.	See response to C-8.
Craig S. Harrison, Vice Chair for Conservation, Pacific Seabird Group	letter dated 7 October 2004	C-136. Would like the Commission to reconsider the closures at Anacapa and Santa Barbara Islands at their October meeting. Closures should be year- round because breeding birds of several seabird species, including the California Brown Pelican and Ashy Storm-Petrel, are present throughout the year.	See response to C-8.
John Duffy, speaking on behalf of Pete Dupuy, Jimmy Bunn, and John Gibbs	verbal testimony provided to Commission on 21 October 2004	C-137. Supports Table 2, Option 3 (no window period, at least 40 total landings, and has a 04/05 market squid vessel permit) for the issuance of non-transferable market squid vessel permits.	See response to C-34.
John Gibbs, purse seine owner and operator	verbal testimony provided to Commission on 21 October 2004	C-138. For the issuance of non-transferable market squid vessel permits, would like a reasonable criteria from Table 2 to be adopted.	See response to C-34.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
James Bunn, purse seine owner and operator	verbal testimony provided to Commission on 21 October 2004 and letter dated 2 December 2003	C-139. Disappointed with the Commissions decision to adopt the following criteria for the initial issuance of transferable vessel permits: (1) window period of 1 January 2000 – 31 March 2003 (2) possession of a 04/05 market squid vessel permit. (3) Does not understand why a person with a strong history in the squid fishery will be given a non-transferable permit instead of a transferable permit just because he has not been recently active in the fishery.	Comment noted. The initial issuance criteria for transferable and non-transferable market squid vessel permits was selected by the Commission based on industry recommendations and the need to reduce the current fleet size.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission on 21 October 2004	C-140. It was never the intent of the initial (Sher) legislation to eliminate those people who have been in the squid fishery for many years.	Comment noted. The initial issuance criteria for transferable and non-transferable market squid vessel permits was selected by the Commission based on industry recommendations and the need to reduce the current fleet size. The intent of the market squid statute was to examine the unregulated squid fishery to ensure the sustainability of the landings that had been recorded.
Shaye Wolf, PhD candidate from University of California, Santa Cruz	verbal testimony provided to Commission on 21 October 2004	C-141. Would like the Commission to consider closures around the Channel Islands that would prevent night squid fishing during the seabird breeding season.	See response to C-8.
Joe Alfieri, light boat owner and operator	letter dated 19 November 2004	C-142. Would like the Commission to choose more than one option regarding the issuance of non-transferable market squid vessel permits.	See response to C-34.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Byron D. Sher, State Senator, 11 th District	letter dated 22 October 2004	C-143. Would like the Commission to take regulatory action—in time for the start of the 2005 squid fishing season—to lower the excessively high catch levels, adopt area closures recommended by DFG, and to revise the permit qualifying criteria it previously adopted.	See responses to C-1, C-2(2), C-5, and C-8.
Orlando Amoroso, President, Southern California Commercial Fishing Association (SCCFA)	verbal testimony provided to Commission on 3 December 2004 (similar to letter dated 30 November 2004	C-144. For the issuance of a non-transferable vessel permit, San Pedro and Monterey support 150 landings prior to 27 August 2004, possession of a current California market squid permit, and 20 years of operational experience with a California commercial fishing license (last option on Table 2 as provided by DFG).	See response to C-34.
James Bunn, purse seine owner and operator	letter dated 1 December 2004	C-145. To qualify for a grandfather permit, candidates must meet the following criteria: (1) permittee must currently own a vessel, (2) permittee must currently have a 2004/05 squid fishing permit, and (3) permittee has recorded 33 landings in a lifetime of fishing.	See response to C-34.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
John Duffy, speaking on behalf of Pet Dupuy, Jimmy Bunn, and John Gibbs	verbal testimony provided to Commission on 3 December 2004	C-146. Supports the following criteria for the issuance of a non- transferable market squid vessel permit: (1) possession of a current market squid vessel permit, (2) at least 20 years of California commercial fishing licenses, and (3) made at least 33 landings with no window period.	See response to C-34.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission on 3 December 2004	C-147. Author's comment mirrors C-144.	See response to C-34.
John Coloni, squid fisherman	verbal testimony provided to Commission on 3 December 2004	C-148. Would like to see a transferable grandfather permit.	Comment noted. The Commission had the option to make the 20-year fishermen permits (FGC § 8101) transferable at the 27 August 2004 meeting. However, taking into consideration the need to reduce the current market squid fleet size, the Commission chose the non-transferable alternative for both market squid and brail vessels.
John Gibbs, purse seine owner and operator	verbal testimony provided to Commission on 3 December 2004	C-149. Author's comment mirrors C-145.	See response to C-34.
Paul Weakland	verbal testimony provided to Commission on 3 December 2004	C-150. Opposes closures at the Farrallon Islands.	See response to C-8.
Two Declarations signed by 29 squid vessel owners and operators	declarations provided to Commission on 3 December 2004	C-151. Authors' comments mirror C-145.	See response to C-34.
Frank Bertoni F/V Santana	Letter dated 22 April 2004 (#2)	C-152 Appears to oppose the proposed restricted access program.	See response to C-27.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Frank Bertoni	Letter dated 16 June 2004	C-153 Would not oppose closure north of Pillar Point if: Certain measures were adopted and placed on fleet, area closures modified, new objective is added to plan, and research conducted for measurable stand for light emissions.	<p>Comment noted. See responses to C-8 and C-23 regarding Pillar Point, to C-30(2) regarding wattage, and C-29 and C-55 regarding research.</p> <p>As recognized by the market squid legislation, information on this resource is limited, and the FMP addresses this with a research and monitoring component. As knowledge increases or additional management needs become apparent, the FMP will allow the Commission to react quickly to changes in the status of the resource or the fishery. The Department supports efforts by other agencies or researchers to measure light and noise and other activities to determine if the squid fishery is impacting seabird colonies.</p> <p>The Commission decided to leave general habitat closures to the MPA process; however, they did choose to establish an area closure restricting the use of attracting lights for commercial purposes in any waters off the Gulf of the Farallons National Marine sanctuary as currently described/defined on 27 August 2004.</p>
Don Brockman	Undated letter	C-154 Opposes fee of \$5,000; suggests fee of \$1,000 as more reasonable.	See response to C-2(2).
Don Brockman	Undated letter	C-155 Opposes closures related to bird areas. States there is no science that proves squid fishing harms the birds.	See responses to C-8 and C-49.
Don Brockman	Undated letter	C-156 Supports Department's recommendation of 118,000 ton.	See response to C-5.
Don Brockman	Undated letter	C-157 Supports Department's recommendation of 30,000 watts.	See response to C-59.



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Don Brockman	Undated letter	C-158 Supports the fishermen's alternative plan of fifty deliveries from January 1, 2000 through March 31, 2003 and bail criteria in the same time frame with 5-10 deliveries.	See responses to C-1 and C-63.
Don Brockman	Undated letter	C-159 Supports grandfather clause with criteria of having a current squid permit, having a commercial fishing license for the last 20 years, and having made 50 landings in this time frame. Also feels it is unfair to require grandfather permittees to be on boats for the permits to be valid.	Comment noted. See responses to C-1 and C-34 The Commission agreed and decided not to require that 20-year fishermen be required to be on boats for the permits to be valid.
David Crabbe Buccaneer Fishing	Letter dated 20 August 2004	C-160 Recommends a qualifying window period for limited entry from January 1, 2000 through March 31, 2003; 50 deliveries during the window period; and have a valid 2004-2005 market squid permit.	See response to C-1.
David Crabbe Buccaneer Fishing	Letter dated 20 August 2004	C-161 Supports allowing squid industry north of Pillar Point and support a policy that prohibits use of squid lights in the vicinity of the Farallon Islands or other nocturnal bird nesting habitat....We urge you to wait until there is some clear scientific evidence of a conflict before unduly limiting the flexibility of the fishery to operate.	See responses to C-8, C-19 and C-23.



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David Crabbe Buccaneer Fishing	Letter dated 20 August 2004	C-162 Oppose increasing the permit fee from \$400 to \$5,000 but support a minimal increase in the landing fee... (this means fees) would exceed \$11,000 a year. This would pose a significant financial hardship to smaller boats.	See response to C-2(2).
David Crabbe Buccaneer Fishing	Letter dated 20 August 2004	C-163 For District 16 only, we support a four-day fish week rather than the current five-day fish week....begin at noon on Monday and close at noon on Friday.	See response to C-7. In addition, it is unnecessary to further restrict the fishery in this district to a four-day week because adequate spawning protection is provided with two days of closures.
David Crabbe Buccaneer Fishing	Letter dated 24 August 2004	C-164 Proposed giving up the opportunity to fish at night in exchange for an ability to continue fishing where squid appear north of Pillar Point...there is no documented evidence to date that squid fishing harms birds.	See responses to C-8, C-23 and C-49.
John Duffy	Letter dated 16 November 2004	C-165 (Request) that, for the non-transferable market squid vessel permits issued pursuant to Section *108, you adopt the second most liberal option in Table 2: Possession of a current permit; and having made at least 33 landings prior to August 27, 2004.	See response to C-34.



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John Duffy	Letter dated 16 November 2004	C-166 Critical misstatement in Notice. The April 2004 Draft Market Squid Fishery Management Plan says the number of permits may be reduced by 31 to 81 permits but the "Regulations to establish a restricted access fishery and the associated eligibility criteria may result in the loss of 31 to 81 market squid fishing <u>JOBS</u> . [emphasis added]". Each permit provides direct employment for between 6 and 11 fishermen...the number of people who could be put out of work really ranges from somewhere between 186 and 891.	See response to C-2(1) The comment is correct that each market squid permit represents some level of employment opportunity for one or more individuals. However, due to the seasonality of most fisheries, and variability from year to year, most market squid fishermen and crew participate in multiple fisheries throughout the year. Interviews conducted by UC SeaGrant with squid vessel skippers reveals that they consistently rely on other fisheries, which may represent 40 percent to 80 percent of their total annual fishing revenue. Thus, while the squid fishery provides skipper and crew seasonal employment during the year, other fisheries may supplement or even dominate their fishing pursuits in the remainder of the year. Recognizing this seasonal movement of capital and labor between fisheries, and the inherent difficulties in assigning employment levels due solely to squid, the Department and Commission have adopted the use of employment assessment models developed by the federal government. These models, prepared by the US Department of Commerce's Bureau of Economic Analysis, project industry sector employment impacts as a product of overall change in the industry Final Demand Output (expressed in dollars). Thus for an anticipated change in ex-vessel revenue, we can calculate the associated change in full-time employment (jobs) for that industry group by using the federal Regional Input-Output Modeling System. As presented in the Draft Market Squid Fishery Management Plan document (for 1 April 2004), Table 3-22, the five-season average landings value for the Non-qualifiers was estimated at \$3,047,071. Based on this landings value, analyses were done using the Input-Output Model to arrive at the employment impact of 72 full-time jobs which is within the range of projected employment impacts originally presented in the Standard Form 399 Economic Impact Section: 30 - 80 jobs eliminated.



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John Duffy	Written comments provided at 3 December 2004 Commission meeting	C-167 Preferred option: possession of a current market squid vessel permit; at least 20 years of California commercial fishing licenses; and at least 33 landings, with no window period.	See response to C-34.
John Duffy	Written comments provided at 3 December 2004 Commission meeting	C-168 Same comment as C-166 above.	See responses to C-2(1) and C-166
Pete Dupuy	Letter dated 23 August 2004	C-169 In favor of qualifying criteria as follows: 2004- 2005 squid permit 40 cumulative landings, and 20+ years with a California Fish and Game license.	See response to C-34.
Pete Dupuy	Written comments provided at 6 August 2004 Commission meeting	C-170 Capacity goals, and therefore, the qualification criteria being used to attain those goals are NOT rigorously determined by sound, valid science.	See responses to C-2(1), C-2(4), and C-4. The Department used the best available information upon which to determine the number of qualifiers. An extensive analysis of the market squid fleet capacity goal, including the methodologies used, is provided in Appendix C of the MSFMP.
Pete Dupuy	Written comments provided at 6 August 2004 Commission meeting	C-171 Recommends combination of two options: at least 10 landings and possession of a current squid permit.	Comment noted. See response to C-34.



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Pete Dupuy	Written comments provided at 6 August 2004 Commission meeting	C-172 Recommends adoption of the alternative language to subsection 149.1 (b) and 149.1 (c) that would retain the current moratorium program and require only the possession of a market squid permit in EITHER the 2004-2005 or 1998- 1999 permit year.	Comment noted. See response to C-34.
John T. Evich	Letter dated 23 August 2004	C-173 Opposes limiting participation years from January 1, 2000 to March 31, 2003 and supports the use of years of January 1990 forward.	See response to C-1.
Kathy and Steve Fosmark F/V Seeadler	Letter dated 19 August 2004	C-174 Opposes qualifying those who don't have a permit or own a commercial boat.	See response to C-34.
Kathy Fosmark F/V Seeadler	Letter dated 20 December 2003	C-175 Proposes that those who remain in this fishery could reimburse fees paid over the years to the eliminated (fishermen).	The initial issuance criteria for transferable market squid vessel permits was selected by the Commission based on industry recommendations and the need to reduce the current fleet size. It is consistent with the Commission's restricted access policy. Participation in the moratorium squid fishery did not guarantee inclusion in the restricted access program and reimbursement of fees is outside the scope of the proposed regulations.
Steve Fosmark F/V Seeadler	Letter dated 9 February 2001	C-176 Opposes requirement to have thirty-three landings to qualify.	See response to C-34.
Steve Fosmark F/V Seeadler	Letter dated 9 February 2001	C-177 Supports Option 2 (full transferability).	See response to C-2. Option K.3 was adopted which includes full transferability.
Kathy Fosmark Vice President Fishermen's Association of Moss Landing	Letter dated 1 October 2000	C-178 Support for Fish and Game Code Section 8101 (grandfather clause).	Comment noted.



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John Gibbs F/V New Horizon	Letter dated 16 August 2004	C-179 Allow the number of 20 year grandfather squid fishermen who hold a current 2004-2005 market squid permit that want to continue fishing and allow this small number of active fishermen to continue their fishing efforts.	See response to C-34.
Keneth Jones F/V Trejo	Letter dated 20 August 2004	C-180 Permits should go to people who are actively in the fishery to make a living.	See response to C-34
Kenneth Jones F/V Trejo	Letter dated 20 August 2004	C-181 A large increase in the permit fee is unnecessary and would create another hardship on a business that has enough of them.	See response to C-2(2).
Jere Melo, Mayor City of Fort Bragg	Letter dated 10 August 2004	C-182 Request that (options adopted) consider that commercial fishing in (Fort Bragg) area has suffered substantial losses. Retention of this small fishery is important to the local economy.	See responses to C-5 and C-111.
Jere Melo, Mayor City of Fort Bragg	Letter dated 10 August 2004	C-183 Request that the Commission consider an alternate fee schedule for small, local fisheries.	See response to C-2(2).
Jere Melo, Mayor City of Fort Bragg	Letter dated 10 August 2004	C-184 Urges the Commission to adopt some form of "experimental market squid vessel permit.	See response to C-92.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Jere Melo, Mayor City of Fort Bragg	Letter dated 10 August 2004	C-185 Opposes closure of all market squid fishing north of Pillar Point; provide for an exemption based on the “experimental permit” concept.	See responses to C-8, C-23 and C-92.
James Larson, Attorney Noyo Harbor District	Letter dated 25 October 2003	C-186 Appears to oppose creation of a restricted access fishery.	See response to C-27.
James Caito Vice President Caito Fisheries, Inc.	Letter dated 4 December 2003	C-187 Appears to oppose creation of a restricted access fishery.	See response to C-27.
Diane Pleschner-Steel	E-mail dated 20 August 2004	C-188 Supports recent-year (2000-2003) window period for limited entry and criteria for 50 landings within the window period	See response to C-1.
Diane Pleschner-Steel	E-mail dated 20 August 2004	C-189 Supports criteria of possession of a commercial fishing permit for 20 years and possession of a 2004-05 squid permit.	See response to C-1.



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Diane Pleschner-Steel	E-mail dated 20 August 2004	C-190 Disagrees with Department's new recommendation to prohibit "corporations".	Comment noted. The Commission agreed and decided not to require that 20-year fishermen be required to be on boats for the permits to be valid. Criteria for non-transferable (20-year grandfather) permits are based upon an individual's personal catch history, whereas transferable permits may be issued based on a vessel's catch history. Once a Transferable Market Squid Vessel Permit, Brail Permit, or Light Boat Permit has been issued for use on a vessel based on that vessel's catch history, individuals may not also use their personal catch history made aboard that vessel toward issuance of a non-transferable vessel or brail permit. This clarification was needed to prohibit the issuance of multiple permits based on catch history associated with a single vessel which would undermine the goals of the restricted access program.
Diane Pleschner-Steel	E-mail dated 20 August 2004	C-191 Opposes \$5,000 permit fees which fishermen can't afford.	See response to C-2(2).
Karen Reyna The Ocean Conservancy and Kate Wing Natural Resources Defense Council	Letter dated 19 August 2004	C-192 Request the Commission to reject the Department's preferred option of an 118,000 mt limit (Option A.2).	See responses to C-5 and C-69.



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Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Karen Reyna The Ocean Conservancy and Kate Wing Natural Resources Defense Council	Letter dated 19 August 2004	C-193 The MSFMP makes no allowances for annual or in-season changes to the catch level.	<p>The Commission chose to establish a seasonal catch limitation based on recent average catch and the assumption that squid biomass is above average spawning biomass (currently set at 118,000 tons) to be reviewed in two years.</p> <p>The MSFMP framework is a multi-year management plan that describes the processes by which the fishery will be managed, including when, how, and within what limits regulatory changes will be made, and the ranges of the resulting impacts. Pre-season and in-season adjustments to regulations may be made without FMP amendment by implementing the procedures and provisions established in the FMP framework. Instead of providing a fixed set of management measures to implement at one point in time, the FMP framework establishes mechanisms to adjust the management of the fishery to meet changing circumstances over a longer period. This may be accomplished through annual adjustments of seasons, quotas, etc., or through in-season adjustments needed in response to factors that cannot be precisely anticipated during a review process. Framework adjustments may be implemented more quickly than FMP amendments, allowing for more timely management response and providing for adaptive management.</p> <p>In the adopted regulations (Section 53.02, Title 14, CCR), periodic monitoring and assessment of squid fisheries will be conducted, and, if needed, the Department will provide management recommendations to the Commission.</p>



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Karen Reyna The Ocean Conservancy and Kate Wing Natural Resources Defense Council	Letter dated 19 August 2004	C-194 No evidence is provided that the area (north of Pillar Point) includes large expanses of known squid spawning habitat.	Market squid range as far north as southern Alaska. Although there is limited fisheries independent data, juveniles have been collected throughout most of the proposed closure area suggesting that spawning does occur within that area (see Figure 2-4 in MSFMP). General habitat closures are designed to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing (hence, no landings data). These areas could also serve as potential harvest replenishment areas.
Karen Reyna The Ocean Conservancy and Kate Wing Natural Resources Defense Council	Letter dated 19 August 2004	C-195 If Department and Commission believe it is appropriate to manage squid based on MSY, then it must choose Option A.1.	See responses to C-5, C-69, and C-87.
Karen Reyna The Ocean Conservancy and Kate Wing Natural Resources Defense Council	Letter dated 19 August 2004	C-196 No fixed catch level should be set in the MSFMP itself.	Comment noted. The Commission chose to establish a seasonal catch limitation based on recent average catch and the assumption that squid biomass is above average spawning biomass to be reviewed in two years.
Karen Reyna The Ocean Conservancy and Kate Wing Natural Resources Defense Council	Letter dated 19 August 2004	C-197 Support for Options B.1 D.4 E.1 F.2 G.3 G.4 H.3 Q.2 Q.4 R.5	Comment noted. B.1: See responses to C-5, C-8, C-56 and C-69. D.4: See response to C-7. E.1: See response to C-55. F.2: See response to C-58. G.3: See response to C-59. G.4: See response to C-59. H.3: See response to C-4. Q.2: See response to C-8. Q.4: See response to C-8. R.5: See responses to C-8 and C-24.



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Michael R. Thompson Newport Landing Sportfishing	Letter dated 10 July 2004	C-198 Opposes permit fee structure preferred by the Department (\$5,000); the fees should be tiered according to potential gross revenue for the type of permit; a light boat operator's permit fee should be only 20 percent of the fee for a Market Squid Vessel Permit.	See response to C-2(2).
Dan Williams F/V Oojpi	Letter dated 21 August 2004	C-199 There is no 20 year grandfather option for light boats.	See response to C-33.
Mike Weynands F/V Julie Celeste	Letter FAXed 23 August 2004	C-200 The \$5,000 proposed market squid renewal fee is unjustifiable.	See response to C-2(2).
Mike Weynands F/V Julie Celeste	Letter FAXed 23 August 2004	C-201 The proposed closure of squid fishing north of Pillar Point is ridiculous. There is no biological data to justify the closure of a fishery that has little impact on the environment or biomass.	See responses to C-8, C-23 and C-49.
Gordon King Owner-operator commercial fishing vessel	Letter FAXed 1 Jan 1995; date stamped 27 August 2004	C-202 Proposes that everyone who has a permit now should be allowed to keep (permit) and be allowed to sell their investment.	See response to C-27.
Exceller Fisheries, Inc.	Letter dated 23 August 2004	C-203 Supports initial issuance criteria window period from 1 January 1990 through 12 November 1999.	See response to C-34.



FINAL MARKET SQUID FISHERY MANAGEMENT PLAN
DATED: 25 March 2005

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Byron D. Sher Senator, 11 th District	Letter dated 1 December 2003	C-204 Concern that the Commission may be considering adoption of regulations that would be independent of the management plan requirements of SB 209. Requests adoption of a squid FMP until the Department provides a revised plan for public and Commission consideration.	The Commission did not consider adoption of the draft MSFMP or the implementing regulations at its 5 December 2003 meeting. Instead, the Commission requested that the Department amend the draft MSFMP and add additional alternatives as recommended by public testimony at the meeting. These alternatives were incorporated in the revised draft MSFMP that was released for public review 10 April 2004 and presented to the Commission for its consideration at its 4 May 2004 meeting.
Diane Pleschner- Steele California Wetfish Producers Association (CWPA)	Letter dated 24 April 2004	C-205 Opposes recommended H.3 capacity goal. Can support a capacity goal as low as 52 vessels if active grandfathered permits raises the total active fleet to at least 65-75 vessels.	Comment noted. Under the Commission's adopted restricted access program, 68 vessels will qualify under the initial issuance criteria, and an additional 12-25 vessels may qualify under the grandfather clause.
Diane Pleschner- Steele (CWPA)	Letter dated 24 April 2004	C-206 Opposes permit fees of \$5,000,	See response to C-2(2).
Diane Pleschner- Steele (CWPA)	Letter dated 24 April 2004	C-207 CQPA suggests the Commission consider the potential value of establishing a framework to authorize experimental permits on a case-by-case basis.	See response to C-92.
Diane Pleschner- Steele (CWPA)	Letter dated 24 April 2004	C-208 Support efforts by Monterey fishermen and the environmental community to seek a compromise solution in the area north of Pillar Point.	See responses to C-8 and C-23.
Diane Pleschner- Steele (CWPA)	Letter dated 24 April 2004	C-209 Requests that squid scientists be added to the existing complement of SFAC members.	See response to C-11.



FINAL MARKET SQUID FISHERY MANAGEMENT PLAN
DATED: 25 March 2005

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Diane Pleschner-Steele California Wetfish Producers Association (CWPA)	Letter dated 5 December 2003 (Attachment to letter dated 24 April 2004)	C-210 Questions the DFG recommendation for additional seasonal closures around Santa Barbara and Anacapa Islands to protect seabirds.	See response to C-24.
Diane Pleschner-Steele (CWPA)	Letter dated 5 December 2003 (Attachment to letter dated 24 April 2004)	C-211 Advocate for a management program that retains flexibility for the fishery to operate while ensuring sufficient spawning biomass through egg escapement.	See responses to C-5 and C-22.
Diane Pleschner-Steele (CWPA)	Letter dated 5 December 2003 (Attachment to letter dated 24 April 2004)	C-212 Support an active fleet in the 65-75 vessel range.	See response to C-205.
Diane Pleschner-Steele (CWPA)	Letter dated 5 December 2003 (Attachment to letter dated 24 April 2004)	C-213 Supports the fishermen's request to establish the highest possible qualification criteria on grandfathered permits (e.g. 50 landings).	See response to C-1.
Diane Pleschner-Steele (CWPA)	Letter dated 5 December 2003 (Attachment to letter dated 24 April 2004)	C-214 Concern over the Department's recommendation for a \$5,000 permit fee.	See response to C-2(2).
Diane Pleschner-Steele (CWPA)	Letter dated 5 December 2003 (Attachment to letter dated 24 April 2004)	C-215 Regarding experimental permits or permits in northern CA: we recommend that such permits be approved conditional on a mandatory research component evaluating the extent of local squid spawning grounds; be non-transferable; counted in addition to the capacity goal.	See responses to C-10 and C-92.



Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele (CWPA)	Letter dated 5 December 2003 (Attachment to letter dated 24 April 2004)	C-216 Suggest the control period (April 1, 1999 – October 17, 2003) be expanded.	See response to C-1.
Diane Pleschner-Steele California Wetfish Producers Association	Letter dated 28 November 2003 (Attachment to letter dated 24 April 2004)	Comments are same as those in letter dated 5 December 2003.	See responses to C-210 through C-216.
Diane Pleschner-Steele California Wetfish Producers Association	Letter dated 20 October 2003 (Attachment to letter dated 24 April 2004)	Comments are same as those in letter dated 20 October 2003 in Market Squid Fishery Management Plan.	See responses in Draft Market Squid Fishery Management Plan dated 12 April 2004 Section 4 Table 1.
Diane Pleschner-Steele California Wetfish Producers Association (CWPA)	Letter dated 23 July 2004	C-217 Supports the DFG preferred alternative (Option A.2) 118,000 ton seasonal maximum cap.	See response to C-5.
Diane Pleschner-Steele (CWPA)	Letter dated 23 July 2004	C-218 Cannot support the Department's recent recommendation (Option Q.3) for a blanket prohibition on the commercial harvest of squid north of Pillar Point.	See responses to C-8 and C-23.
Diane Pleschner-Steele California Wetfish Producers Association (CWPA)	Letter dated 23 July 2004	C-219 The (\$5,000) fee is unaffordable to the squid fleet and proposes a research program as an "in-kind" contribution to reduce DFG budget requirements and reduce permit fees accordingly.	See responses to C-2(2), C-71 and C-131.



Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner- Steele (CWPA)	Letter dated 23 July 2004	C-220 Support for an initial issuance number of vessels in the 65-75 boat range...window period of 1/1/2000 – 3/31/2003 and 50 landings would qualify 64 vessels.	See response to C-1.
Diane Pleschner- Steele (CWPA)	Letter dated 23 July 2004	C-221 Supports DFG's recommendation-do not establish a regional restrictive access control date at this time.	See response to C-5.
Diane Pleschner- Steele California Wetfish Producers Association (CWPA)	Letter dated 13 August 2004	C-222 Concern over the Department's recommendation that all permit fees be set at \$5,000...suggest an "in- kind" research program.	See responses to C-2(2), C-71 and C-131.
Diane Pleschner- Steele (CWPA)	Letter dated 13 August 2004	C-223 Cannot support the Department's recent recommendation (Option Q.3) for a blanket prohibition on the commercial harvest of squid north of Pillar Point.	See responses to C-8 and C-23.
Diane Pleschner- Steele (CWPA)	Letter dated 13 August 2004	C-224 Support for an initial issuance number of vessels in the 65-75 boat range...window period of 1/1/2000 – 3/31/2003 and 50 landings would qualify 64 vessels.	See response to C-1.
Diane Pleschner- Steele (CWPA)	Letter dated 13 August 2004	C-225 Supports DFG's recommendation-do not establish a regional restrictive access control date at this time.	See response to C-5.



Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele California Wetfish Producers Association (CWPA)	Letter dated 20 August 2004	C-226 Supports Option A-2, 118,000 ton seasonal maximum cap.	See response to C-5.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-227 Support for an initial issuance number of vessels in the 65-75 boat range...window period of 1/1/2000 – 3/31/2003 and 50 landings would qualify 64 vessels.	See response to C-1.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-228 Supports the following qualification criteria for grandfather permits: California commercial fishing permit for 20 years, possession of 2004-05 market squid permit, a prescribed number of landings. Opposed to DFG's recommendation to prohibit family corporations from qualifying for a grandfather permit.	See responses to C-1, C-34 and C-190
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-229 Fishermen support DFG's recommended capacity goal of 52 vessels...with a squid fleet numbering 65-75 active vessels	See response to C-1.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-230 Concern over the Department's recommendation that all permit fees be set at \$5,000...suggest an "in-kind" research program.	See responses to C-2(2), C-71 and C-131.



Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-231 Support DFG's preferred alternative D.1 – Continue closures from noon Friday to noon Sunday statewide.	See response to C-7.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-232 Supports DFG's recommendation of Option R.4 – Area and time closures to address seabird issues.	See response to C-8.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-233 Opposes DFG's recommendation of Option Q.3 – Harvest replenishment areas.	See responses to C-8 and C-23.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-234 Supports DFG's preferred alternative E.1, monitoring with port sampling and logbooks.	See response to C-55.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-235 Supports DFG's recommendation to maintain existing gear restrictions (30,000 watts)	See response to C-59.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-236 Supports Department's recommendation to continue the existing regulations on live baiting fishing or incidental catch.	See response to C-58.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-237 Supports DFG's preferred alternative, B.1- monitoring through egg escapement.	See response to C-22.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-238 Support DFG's preferred alternative C.2 – do not establish trip limits.	See response to C-6.



Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-239 Support DFG's Option O.3, do not establish experimental market squid permits.	See responses to C-5 and C-92.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-240 Supports DFG's recommendation, do not establish a regional restrictive access control date at this time.	See response to C-5.
Diane Pleschner-Steele (CWPA)	Letter dated 20 August 2004	C-241 Squid scientists should be added to the existing complement of SFAC.	See response to C-11.
Gerry McChesney, seabird biologist with US Fish and Wildlife	Letter dated 4 December 2003, similar to verbal testimony presented 3 December 2004	C-242 Current lighting requirement should be modified to clarify language and increase enforcement capabilities	See response to C-59
Gerry McChesney, seabird biologist with US Fish and Wildlife	Letter dated 4 December 2003, similar to verbal testimony presented 3 December 2004	C-243 Market squid fishery needs an observer program to record levels of fishery interaction with seabirds and other natural resources	See response to C-29
Gerry McChesney, seabird biologist with US Fish and Wildlife	Letter dated 4 December 2003, similar to verbal testimony presented 3 December 2004	C-244 Research is needed to reduce light levels, including alternative fishing methods	See response to C-131. The MLMA supports collaboration with the fishing industry, other agencies, and academia (FGC sections 7050(b), 7056(k), and 7059(a).).
Zeke Grader, Executive Director PCFFA	Letter to Commission dated 24 October 2003	C-245 Supports a north coast experimental fishery, which is: (1) limited to 5 years and a quota of 150 tons per year, (2) not more than 5 permits, (3) no light boats permitted, (4) Department could suspend the fishery if salmon take observed.	Because the Commission did not close the area north of Pillar Point to the squid fishery, they decided to establish up to three non-transferable experimental gear fisher permits for the north coast. (1) see response C-5, (2) see response C-92, (3) see response C-8, (4) Comment noted. The Department shares the concern with regard to the potential for bycatch of salmon as well as seabird interactions and will continue to monitor for fishery interactions.



Table 1-1 Summary of public comment and responses presented in the Final Statement of Reasons for Regulatory Action (revised 22 March 2005).			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
William J. Sydeman, Director Marine Ecology Division, PRBO Conservation Science	E mail dated 8 November 2003	C-246 Supports a closure around the Farallon Islands, including: (1) that the Farallon Islands be closed to squid fishing year-round, (2) that removal of squid biomass is inconsistent with MLMA, (3) other management authorities have banned fishing for forage species. This would aid in maintaining large, productive, diverse, and economically-valuable fisheries in CA.	The Commission decided to leave general habitat and harvest replenishment closures to the MPA process under the MLPA; however, they did choose to establish a year-round seabird closure restricting the use of attracting lights for commercial purposes in any waters off the Gulf of the Farallones National Marine sanctuary as currently described/defined on 27 August 2004. (1) see response C-8, C-23, (2) The MSFMP is consistent with both the MLMA and the market squid legislation and presented a reasonable range of management options for Commission consideration. These options were developed using the best scientific information that is available without substantially delaying the preparation of the plan. (FGC § 7072(b).) However, as recognized by the market squid legislation, information on this resource is limited, and the FMP addresses this with a research and monitoring component. As knowledge increases or additional management needs become apparent, the FMP will allow the Commission to react quickly to changes in the status of the resource or the fishery. This adaptive management feature is contemplated in the MLMA (§§ 90.1, 7056(g)), and the FMP allows for future amendments as necessary (§7087). (3) Comment noted. The squid fishery has existed in California for over 100 years and is currently the most economically valuable fishery in the State and has existed with other fisheries that rely on squid as forage.



1.2 Comments and Department Responses to Draft Market Squid Fishery Management Plan (Released for Public Review 12 April 2004)

1.2.1 Comments received from 19 July 2004 through 27 August 2004

Summary of Public Comment on Proposed Addition of 53.00 et seq, 149.1, 149.2, 149.3, and 149.4, And Amendment of Section 149, Title 14, CCR;
Re: Market Squid Fishery Management Plan (MSFMP)
19 July 2004 through 27 August 2004

Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, Purse Seine Vessel Owners Association (PSVOA)	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-1. The PSVOA supports criteria for initial issuance that qualifies persons possessing a current valid permit and who made at least 50 landings between January 1, 1990, to March 31, 2003, or who fall under the 20 year grandfather provision.	<p>Taking into consideration the need to reduce the current market squid fleet size, the Commission chose the following criteria for the initial issuance of transferable market squid vessel permits: (1) made at least 50 landings during the window period January 1, 2000 – March 31, 2003, and (2) the possession of a current 04/05 market squid vessel permit.</p> <p>Regarding non-transferable market squid vessel permits, the Commission directed the Department to publish a continuation notice of intent to provide additional alternatives and amendments to the proposed commercial squid fishery regulations [Section 149.1(c)(2), Title 14, CCR]. The new option for a non-transferable market squid vessel permit includes the following criteria: (1) the possession of an 04/05 market squid vessel permit, (2) the possession of a California Commercial Fishing License for at least 20 years, and (3) made at least [20-75] landings during any one season within the window periods listed. An alternative is also presented with the following criteria: (1) the possession of an 04/05 market squid vessel permit, (2) the possession of a California Commercial Fishing License for at least 20 years, and (3) made at least [20-150] total landings prior to August 27, 2004. The Commission will consider adoption of the non-transferable permits on December 3, 2004.</p>



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-2. The PSVOA proposes that a reduced number of vessel permits and ultimate capacity goal be implemented over a 3-5 year period utilizing the following: (1) permit holders may move to larger capacity vessels, which will require ownership of a second permit and absorption of potential latent permits, (2) establish a relatively high permit fee that will discourage ownership for speculative purposes, (3) impose ongoing landing requirements as condition of renewing the permit, and (4) re-evaluate the limited entry program in 2007 to determine if the program is achieving capacity goal objectives.	<p>(1) Based on the initial issuance criteria the Commission selected (see C-1) and a capacity goal of 55 market squid vessels, the Commission adopted the Department's recommendation of Option K.3, which establishes full transferability of market squid vessel permits based on comparable capacity (within 10%) and also establishes transferability of market squid vessel permits to a vessel of larger capacity under a "2 for 1" permit retirement. Option K.3 will prevent an increase in fleet capacity while allowing new vessels to enter the fishery. It will also provide for an orderly fishery, promote conservation among fishery participants, and maintain the long-term economic viability of the fishery.</p> <p>2) While the Commission could have selected an annual permit fee between \$400 and \$5,000 for each permit to cover the FMP's anticipated annual implementation cost of \$954,000, it balanced the financial needs of the Department against the impact to commercial fishermen and set the annual fees for vessel permits at: (1) \$2,000 for transferable market squid vessel permits, and (2) \$1,000 for non-transferable market squid vessel permits.</p> <p>(3) The regulations did not provide an option within restricted access that would impose ongoing landing requirements as a condition of renewing a permit. The Department did not support this concept because it would encourage fishing effort that may not otherwise happen.</p> <p>(4) It is the Commission's policy that each restricted access program be reviewed at least every four years, and if appropriate, revised to ensure that it continues to meet the objectives of the State and the fishery participants. The MLMA requires a review of each marine fishery every four years. (FGC §7065(a).)</p>



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-3. PSVOA maintains that permits established under either criterion (see C-1) should be fully transferable; however, this approach does not accelerate an ultimate capacity goal. For this reason, PSVOA would support an alternative that made grandfathered permits non-transferable.	See response to C-1 and C-2(1).
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-4. PSVOA supports the DFG limited entry criteria for light boat permits provided that criteria is supplemented to provide for an equal number of vessel and light boat permits. Therefore, current vessel permit holders who do not qualify for a vessel permit on or after April 1, 2004, should qualify for a light boat permit based on total landings between January 1, 1990, and December 31, 2002.	The Commission adopted a market squid vessel capacity goal of 55 for both transferable and non-transferable permits. The Commission also adopted the capacity goal for light boat and brail permits to be combined to equal the capacity goal for vessel permits and to maintain the approximate 1:1 ratio of vessels to light boats. This will allow a moderately productive and specialized fleet and would be less disruptive in terms of displacing vessels from the fishery and, thus, reduce impacts on fishing communities. PSVOA's recommendation for "supplemental vessels" was outside the scope of the regulatory options provided for the Commission's consideration. Moreover, the Department proposed only the use of logbook records to demonstrate participation in the fishery by light boats, given that light boats do not actually land fish unless it is by brail.
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-5. PSVOA supports an 118,000 seasonal catch limited based on a recent three year average catch.	The Commission adopted a seasonal catch limit of 118,000 short tons but directed the Department to re-evaluate the catch limit in two years because of concerns for the lack of knowledge regarding squid stock abundance.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-6. PSVOA supports trip limits to improve quality, price stability, and capacity goal objectives. If not imposed in the initial MSFMP, then it should be a focus item for the Advisory Committee.	The Commission chose not to establish daily trip limits at this time. The Department did not recommend the establishment of daily trip limits because the seasonal harvest limit had not been taken in recent years; therefore, there was not a race between vessels to land the allowable limit in as short of time as possible. Furthermore, fish processors implement their own trip limits as needed to regulate the amount of squid delivered per day.
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-7. PSVOA supports continued statewide closure of the fishery from noon Friday to noon Sunday.	The Commission chose to continue closures from noon Friday to noon Sunday from the U.S.-Mexico border to the California-Oregon border. The statewide weekend closure is an environmentally protective, precautionary measure to provide spawning squid at least two consecutive nights each week respite from fishing pressure.
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-8. PSVOA opposes the setting aside of additional areas for harvest replenishment. Current and potential new set asides under the Marine Life Protection Act, weekend closures, and further restriction of vessel permits will provide ample resource protection.	The Commission decided to leave general habitat and seabird closures to the MPA process; however, they did choose to establish an area closure restricting the use of attracting lights for commercial purposes in any waters off the Gulf of the Farallones National Marine sanctuary as currently described/defined on August 27, 2004.
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-9. PSVOA supports relatively high and uniform fees to reach capacity goal objectives and fund necessary DFG research.	See response to C-2(2).



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-10. PSVOA does not believe that the Department's options adequately address the issue of gear restrictions. They maintain that vessels could utilize more environmentally benign fishing gear without sacrificing efficiency or productivity, and the issue should be a focus item for the Advisory Committee.	FGC 8606 provides for the development and testing of experimental gear independent of this FMP. Net restrictions do not clearly address a specific management need or goal and would be very program-intensive to enforce. The combination of MPAs, weekend closures, a seasonal catch limit, and a restricted access program is more effective in minimizing fishery impacts, resulting in reduced fishing effort on specific spawning aggregations and in other sensitive locations. Also, the Department is generally reluctant to recommend or develop a management measure without identifying an anticipated benefit of such a measure. However, the advisory committee is the correct entity for future evaluation of such a comment.
Robert Zuanich, Executive Director, PSVOA	letter dated 27 August 2004 (similar to comment in letter dated 4 May 2004)	C-11. PSVOA supports establishment of a broad based advisory committee which could work in concert with the PFMC advisory committee for other coastal pelagic species.	The Commission adopted the establishment of one advisory committee for the squid fishery, which includes scientific, environmental, and industry representatives.
Ernest S. Pagan, market squid light boat operator	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 3 May 2004)	C-12. Does not support a qualifying time period for light boat permits of January 1, 2000, to December 31, 2002. The window period for limited entry should be extended to include new participants.	Taking into consideration the need to reduce the current market squid fleet size, the Commission chose the following criteria for the initial issuance of transferable market squid light boat permits: (1) submitted at least one market squid light boat logbook from dated on or prior to December 31, 2000, and (2) the possession of a current 04/05 market squid vessel permit.
Ernest S. Pagan, market squid light boat operator	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 3 May 2004)	C-13. The proposed permit fee of \$5,000 is too high especially for those vessel types with limited landing capability.	See response to C-2(2).



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Ernest S. Pagan, market squid light boat operator	verbal testimony provided to Commission dated 4 May 2004	C-14. Supports Option A.6, which does not set a seasonal catch limitation.	See response to C-5.
Diane Pleschner- Steele, California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004	C-15. Supports the goals and objectives of the MSFMP.	Comment noted.
Diane Pleschner- Steele, CWPA	verbal testimony provided to Commission dated 4 May 2004	C-16. Does not support the proposed permit fee of \$5,000 because the money will not go towards squid research.	See response to C-2(2).
Diane Pleschner- Steele, CWPA	verbal testimony provided to Commission dated 4 May 2004	C-17. Does not support the general habitat closure north of Pillar Point (Option Q.3) because the mobile nature of the squid resource requires flexibility for the fishermen.	See response to C-8.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 27 August 2004 (similar to verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004 and to Commission dated 4 May 2004)	C-18. Does not support the proposed permit fee of \$5,000 because it would be a hardship to fishermen. Would support a permit fee of around \$1,000 and an increase in the landing tax.	See response to C-2(2).



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 27 August 2004 (similar to verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004 and to Commission dated 4 May 2004)	C-19. Does not support additional harvest replenishment and area and time closures.	See response to C-8
David Couch, San Diego fisherman	verbal testimony provided to Commission dated 4 May 2004	C-20. Author's comment mirrors C-18.	See response to C-2(2).
David Couch, San Diego fisherman	verbal testimony provided to Commission dated 4 May 2004	C-21. Does not support Department's preferred alternative, Option K.3, which establishes transferability of market squid permits to a vessel of larger capacity under a "2 for 1" permit retirement.	See response to C-2(1).
Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 22 April 2004)	C-22. At this time, supports the combination of the proposed cap on landings, at the level recommended by the Department, and continued monitoring of egg escapement.	See response to C-5. The Commission chose to monitor the fishery through the egg escapement method while pursuing a biomass estimate of market squid at an egg escapement threshold level required in the CPS FMP.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 22 April 2004)	C-23. Does not support the general habitat closure north of Pillar Point (Option Q.3) because (1) squid is only one of a complex mix of forage animals; therefore, there is ample forage available despite the growth of the squid fishery in recent years and (2) the economic impact of the preferred option could be greater than the FMP suggests because the use of a long-term average of landings from north of Pillar Point down-weights the value of the recent catch.	See response to C-8. (1) As part of the 1997 Legislation enacted to protect the market squid resource, the Department was directed to determine where there are areas, if any, that should be declared harvest replenishment areas. Harvest replenishment and general habitat closures provide for specific areas where no squid fishing can occur and provide areas of uninterrupted spawning. In addition, general habitat closures are intended to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing and where there is the potential for interactions with non-targeted species such as salmon, seabirds, and marine mammals. (2) The speaker is correct that the value of recent catch is down-weighted when an average over many years is taken. However, if catches occurred in only one of the past six years in any magnitude, it is not reasonable to expect that a vessel would come to rely on the ability to make that catch in the future. Department catch data indicate that catches in 2003 north of the Monterey area were anomalous and unprecedented. While it is possible they may be repeated in some future years, the Department considered this loss in terms of future opportunity for expansion into these areas, rather than a loss of an area that has been historically productive.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004 (similar to comment in letter dated 22 April 2004)	C-24. Does not support the Department's preferred alternative, Option R.4., which establishes area and time closures restricting the use of attracting lights around Anacapa and Santa Barbara islands from February through September, because the need for this action is not well supported by published literature.	See response to C-8. Option R was selected as a recommended precaution by the Department considering the best scientific information that was available without substantially delaying the preparation of the plan. (FGC § 7072(b).) However, as recognized by the market squid legislation, information on this resource is limited, and the FMP addresses this with a research and monitoring component. As knowledge increases or additional management needs become apparent, the FMP will allow the Commission to react quickly to changes in the status of the resource or the fishery. The Department also supports efforts by other agencies or researchers to measure noise and other activities to determine if the squid fishery is impacting seabird colonies in the Channel Islands.
Frank Bertoni, commercial fisherman	verbal testimony provided to Commission 27 August 2004 (similar to comment in letters dated 22 April 2004 and 2 June 2004)	C-25. Does not support the Department's preferred alternative, Option Q.3, which closes the waters north of Pillar Point to commercial squid fishing.	See response to C-8.
Frank Bertoni, commercial fisherman	letter dated 2 June 2004 (similar to comment in letter dated 22 April 2004)	C-26. Does not support the proposed permit fee of \$5,000 because it eliminates the small market squid fishermen. Instead, the author would like to increase the squid landing fee from \$3.75 per ton to \$20.00 plus per ton.	See response to C-2(2).
Frank Bertoni, commercial fisherman	letter dated 2 June 2004 (similar to comment in letter dated 22 April 2004)	C-27. Does not support restricted access.	The possibility of a restricted access program was contemplated by the Legislature in the market squid legislation, as well as in the MLMA. (FGC §§7082(b), 8420(e), 8426(c).)



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-28. Supports Option A.3, which establishes regional season catch limitations based on a multi-year recent average catch for each region, especially if it takes into consideration an environmentally-dependent model, such as based on upwelling indices or sea surface temperatures. The preferred option (Option A.2) does not take into account environmental variability. Would like to modify the tonnage limit by consumption estimates for marine birds and mammals.	See response to C-5.
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-29. Supports the establishment of a fishery observer program to document potential effects on sensitive wildlife, particularly marine birds and mammals.	Currently, vessel owners or operators in the California purse seine fisheries are subject to the federal observer program under the Marine Mammal Protection Act (MMPA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). In June 2004, vessel owners and operators received notice from NMFS stating that a mandatory observer program had been instated. Under this program, observers will collect data on the interactions between California purse seine fishing gear and protected species, particularly marine mammals, sea turtles, and sea birds as well as target and non-target fish species.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-30. (1) There should be a limit to the number of light boats per seiner, or (2) the total wattage should account for all boats within a given time.	<p>(1) The Commission adopted a market squid vessel capacity goal of 55 for both transferable and non-transferable permits. The Commission also adopted the capacity goal for light boat and brail permits to be combined to equal the capacity goal for vessel permits and to maintain the approximate 1:1 ratio of vessels to light boats. This will allow a moderately productive and specialized fleet and would be less disruptive in terms of displacing vessels from the fishery and, thus, reduce impacts on fishing communities.</p> <p>(2) Limiting the total wattage emitted by the fleet at any given time is not feasible as a management measure. Outside of weekend closure and proposed seasonal closure restrictions, the Department does not specify when or how many vessels may engage in squid fishing or lighting at a particular time, nor is there any reasonable way to track such information.</p>
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-31. Replenishment areas should be set aside in southern, central and northern California. (1) Establish replenishment areas within known spawning areas, and (2) establish replenishment areas that are also important for marine bird and mammal foraging (i.e. northern Monterey Bay, Gulf of the Farallones).	<p>See response to C-8.</p> <p>The 12 MPAs at the northern Channel Islands include known commercial squid fishing sites at Santa Barbara, Anacapa, Santa Cruz, and Santa Rosa islands. Approximately 14-19 percent of prior Southern California squid catches were in areas that are now permanently off-limits to squid fishing. In addition to the closures at the northern Channel Islands, commercial fishermen are not allowed to fish in state designated ecological reserves using roundhaul nets. Several existing reserves are known to be market squid spawning sites (e.g., Carmel Bay Ecological reserve, Point Lobos Ecological reserve, northeast side of Santa Catalina Island, and Santa Monica Bay); all serve as harvest replenishment areas for market squid.</p>



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-32. None of the proposed alternatives offer uniform protection to all sensitive seabird nesting habitats. Option R.4 should be extended to include a buffer zone (one nm) applied to all seabird colonies, including the Channel Islands, Big Sur, Gulf of the Farallones, and Pt. Reyes. The time of closure should also be extended to 30 November to avoid potential light-related mortality of fledgling chicks and adult ashy storm-petrels (Option R.10).	See response to C-8. The seasonal closures were designed to provide various levels of protection to multiple seabird species which may have reduced, threatened, or endangered population levels. While the Department did not provide a specific option that would close all the seabird colonies of the Channel Islands, or an option that would close Big Sur, the Department's bird staff made decisions on which colony areas were most sensitive and thereby most deserving of seasonal closure protection. If new information becomes available, addition closures (or openings) can be considered.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Daniel L. Williams, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004 (similar to comment in letter dated 7 June 2004)	C-33. Currently, there is a need for light boats in the fishery because many of the seiners do not have a light boat to work with to their consternation. As a full-time fisherman for the past 24 years, the author would like to see a similar non-transferable or transferable permit option for the light boat permit.	<p>See response to C-30(1).</p> <p>Taking into consideration the need to reduce the current market squid fleet size, the Commission chose the following criteria for the initial issuance of a non-transferable market squid brail permit: (1) have been a California Commercial Fishermen for at least 20 years, and (2) made at least 10 brail landings in a single fishing season between January 1, 2000, and March 31, 2000. However, since the Commission directed the Department to publish a continuation notice of intent to provide additional alternatives and amendments to the proposed commercial squid fishery regulations [Section 149.1(c)(2), Title 14, CCR], the Department will also re-notice the non-transferable market squid brail permit criteria to make consistent with the non-transferable market vessel permit criteria</p> <p>Under the 20-year fishermen provision, landing data maintained by the Department is an appropriate basis for documenting fishery participation (FGC § 8101). Because the Department cannot verify historical participation by an individual in the squid light boat fishery before 1999 by evaluating landing receipts, there was no provision in the restricted access options to issue 20-year fishermen non-transferable light boat owner permits. At this time, light boat logs are the only uniform method available to the Department for evaluating prior performance in the light boat fishery.</p>



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
David W. Tibbles, commercial fisherman	letter dated 11 May 2004	C-34. Would like clarification on the initial issuance of market squid vessel permits based on the 20-year fishermen provision.	During the August 27, 2004 Commission meeting, the Commission directed the Department to publish a continuation notice of intent to provide additional alternatives and amendments to the proposed commercial squid fishery regulations [Section 149.1(c)(2), Title 14, CCR]. The new option for a non-transferable market squid vessel permit includes the following criteria: (1) the possession of an 04/05 market squid vessel permit, (2) the possession of a California Commercial Fishing License for at least 20 years, and (3) made at least [20-75] landings during any one season within the window periods listed. An alternative is also presented with the following criteria: (1) the possession of an 04/05 market squid vessel permit, (2) the possession of a California Commercial Fishing License for at least 20 years, and (3) made at least [20-150] total landings prior to August 27, 2004.
Richie Aiello, vessel owner	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-35. Monterey boats were forced to fish other areas due to the large number of vessels fishing in such a small area. They historically looked above Pigeon Pt, but they normally did not have to fish the area.	Comment noted.
Richie Aiello, vessel owner	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C- 36. Many bought permits as real estate with no intention of fishing.	Comment noted.
Orlando Amoroso, President, Southern California Commercial Fishing Association (SCCFA)	verbal testimony provided to Commission dated 27 August 27 (similar to verbal testimony provided at the Monterey Special Hearing dated 23 July 2004)	C-37. Need clear grandfather criteria. Would also like to see a list of the qualifying boats and a list of proposed grandfather boats.	See response to C-33 and C-34. The Department cannot release the names of fishermen who would qualify for the restricted access program because public disclosure of the names is prohibited under Fish and Game Code section 8022(a).



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Joe Capuccio, processor	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-38. There will be a federal observer program soon. Use their information as a supplement to documented research.	The observer data will be made available to the Department and, if applicable, will be used for future management and research needs. Also, see response to C-29.
Joe Capuccio, processor	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-39. There are fewer boats fishing now than when the MSFMP began. Times are different and new rules should apply.	Comment noted.
Joe Capuccio, processor	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-40. Increased fees will cripple small boats and allow for large corporate owned boats to take over.	See response to C-2(2).
Joe Capuccio, processor	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-41. Wants to know if anyone has considered the impacts of an exploding marine mammal population on squid.	The best available data indicate that squid continue to serve as a primary source of forage even at times when the fishery is also utilizing the resource. Squid comprise a substantial portion of the diet of California sea lions during times that the fishery is landing high volumes of squid, there is no evidence to indicate that the squid resource is limited, and not fulfilling its role as a forage item even as sea lion populations continue to grow at a rate of approximately 5% per year. The Department acknowledges that squid is an important source of prey for many species as identified in the Predator/Prey relationship section (Section 2.1.6) of the MSFMP.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission dated 27 August 27 (similar to verbal testimony provided at the Monterey Special Hearing dated 23 July 2004)	C-42. Proposes the following qualifying period for initial issuance of market squid vessel permits: made at least 50 landings between January 2000 and March 2003 and hold a 04/05 market squid permit.	See response to C-1.



FINAL MARKET SQUID FISHERY MANAGEMENT PLAN
DATED: 25 March 2005

Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-43. There should be an appeals process. This will allow markets to keep most of their boats, and current active boats would qualify.	Initial issuance appeals are provided for in the regulations (Section 149.1(e), Title 14, CCR).
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-44. Proposed \$5,000 fee is too high. This will increase overhead costs, create hardship, and eliminate boats.	See response to C-2(2).
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-45. The proposed weekend closure (District 16) (Option D.5) is to give fishermen and processors a break, which prevents 24 hour fishing activity. The proposal was not conceived as a conservation measure.	See response to C-7.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission dated 27 August 2004 (similar to verbal testimony provided at the San Pedro Special Hearing dated 16 August 2004 [presented by Don Brockman])	C-46. Does not support the closure north of Pillar Point (Option Q.3). Fishermen are willing to fish around the Farallon Islands with no lights.	See response to C-8.
Ernest Pagan, market squid light boat operator	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-47. Have a 60-year age exemption to get permit if don't qualify under initial issuance.	The regulations did have an option within restricted access that would give fishermen a squid vessel permit based on just age alone. The Department did not support this concept because it would encourage fishing effort that may not otherwise happen. Also, see response to C-33 and C-34.
Ernest Pagan, market squid light boat operator	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-48. Wants to know how the grandfather clause will work for light boats that fished prior to when logs were required.	See response to C-33.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele, CWPA	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-49. Closure options should be based upon evidence.	The Harvest Replenishment/General Closure Areas (Option Q) and the Area and Time Closures to Address Seabird Issues (Option R) were presented in the FMP using the best scientific information that was available without substantially delaying the preparation of the plan. (FGC § 7072(b).) However, as recognized by the market squid legislation, information on this resource is limited, and the FMP addresses this with a research and monitoring component. As knowledge increases or additional management needs become apparent, the FMP will allow the Commission to react quickly to changes in the status of the resource or the fishery. Also, see response to C-8.
Diane Pleschner-Steele, CWPA	verbal testimony provided at the Monterey Special Hearing dated 23 July 2004	C-50. Fishermen and processors can't agree on fleet size. Fishermen want fewer boats and processors want more boats. Processors would like around 70 vessels with a limited number of grandfather permits.	See response to C-1 and C-2(1).
William J. Sydeman, Director Marine Ecology Division, PRBO Conservation Science	e-mail dated 6 August 2004	C-51. The cap (118,000 tons) proposed by the Department (Option A.2) is biased high because it reflects catch during three very productive years (1999-2002). The use of a limited time series to estimate LTPY is a flawed approach. Therefore, the squid fishery must be managed adaptively by establishing seasonal catch limitations based on environmental conditions.	See response to C-5. The Department agrees that it would be ideal to base the catch limit on environmental conditions (i.e., El Niño) to prevent overfishing. However, environmental conditions are near-impossible to predict as well as their effects on living marine populations. El Niño Southern Oscillations (ENSO) events are a highly variable phenomenon, lasting from 12-18 months, and the time between events ranges from two to seven years. In addition, the strength of the warming events varies greatly from event to event. Limiting the fishery based on an unpredictable phenomenon would likely have no impact on the resource because the low availability of squid significantly reduces fishing effort.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
William J. Sydeman, Director Marine Ecology Division, PRBO Conservation Science	e-mail dated 6 August 2004	C-52. The Department's preferred Option Q.3 closes the fishery north of Pillar Point. This is appropriate to protect the ecosystem of the Gulf of the Farallones/Cordell Bank National Marine Sanctuaries but places great pressure on squid resources of the southern California Bight.	See response to C-8.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-53. Author's comment mirrors C-51.	See response to C-51.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-54. Squid are central prey for marine birds and mammals as well as for recreationally and commercially valuable predatory fish populations in the California Current System. As mandated by the Marine Life Management Act and Magnuson-Stevens act, management of the market squid fishery must be based on an ecosystem perspective. This means that the needs of ecologically dependent species must be taken into account when setting fishery quotas and producing other regulatory actions.	See response to C-5, C-8, and C-41.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-55. Supports Option E.1, which continues the existing squid monitoring program. Additionally, recommends a monitoring program for non-target species to assess ecological consequences of implemented regulations.	Taking into consideration the need to monitor the fishery to improve the development of management models, the Commission decided to maintain the current port sampling and logbook requirements.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-56. Supports Option B.1, which monitors the fishery through the egg escapement methods while pursuing a biomass estimate of market squid at an egg escapement threshold level required in the CPS FMP.	The Commission chose to monitor the fishery through the egg escapement method while pursuing a biomass estimate of market squid at an egg escapement threshold level required in the CPS FMP.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-57. Supports Option D.4, which maintains statewide weekend closures and extends the range of closure to include additional days and/or times for areas north of Point Conception.	See response to C-7.
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-58. Supports Option F.2, which establishes a permit for the taking of market squid as live bait.	Because the volume of squid taken as live bait is small, the Commission did not adopt the establishment of a live-bait permit at this time.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-59. Supports gear restrictions that would set a wattage limitation of 15,000 watts for vessels fishing for squid and lighting for squid. Also supports Option G.4, which would establish gear restrictions that state that each vessel fishing for squid and lighting for squid will utilize shielding that will reduce the light scatter of its fishing operations by shielding the entire filament of each light used to attract squid and orient the illumination directly downward or provide for the illumination to be completely below the surface of the water.	The Commission decided to maintain the current wattage requirements (30,000 watts); however, they chose to require the lower edges of the light shields to be parallel to the dock (Option G.4).
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-60. Supports Option H.3, which establishes a capacity goal for market squid vessels that produces a moderately productive and specialized fleet.	See response to C-30(1).
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-61. Supports the adoption of both Option Q.2, which closes all waters within depths of 100 fathoms around San Nicolas Island, and Option Q.4, which states that squid may not be taken for commercial purposed in any waters of the Gulf of the Farallones National Marine Sanctuary.	See responses to C-8.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Julie A. Thayer, Ph.D. candidate, Marine Ecology Division, PRBO Conservation Science	letter dated 12 August 2004	C-62. Supports Option R.2, which establishes area and time closures restricting squid fishing around Anacapa and Santa Barbara Islands from 1 February through 30 September (1 nm closure), in addition to an extra provision that establishes area and time closures restricting squid fishing around major seabird colonies in the Monterey Bay National Marine Sanctuary from 1 February through 30 September (1 nm closure), including Año Nuevo Island.	See response to C-8. Area and time closures restricting squid fishing around major seabird colonies in the Monterey Bay National Marine Sanctuary and around Año Nuevo Island were not included in the range of regulation options that were under consideration by the Commission.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-63. Supports the fishermen's alternative plan of 50 delivers from January 1, 2000, through March 31, 2003. Also feels that the bail criteria should also be from January 1, 2000, through March 31, 2003 with 5 to 10 deliveries.	See response to C-1. Taking into consideration the need to reduce the current market squid fleet size, the Commission chose the following criteria for the initial issuance of a non-transferable market squid bail permit: (1) have been a California Commercial Fishermen for at least 20 years, and (2) made at least 10 bail landings in a single fishing season between January 1, 2000, and March 31, 2000. However, since the Commission directed the Department to publish a continuation notice of intent to provide additional alternatives and amendments to the proposed commercial squid fishery regulations [Section 149.1(c)(2), Title 14, CCR], the Department will also re-notice the non-transferable market squid bail permit criteria to make consistent with the non-transferable market vessel permit criteria.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 27 August 2004 (similar to verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004)	C-64. Supports Option A.2, which established a statewide quota of 118,000 tons.	See response to C-5.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-65. Supports Option G.1, which maintains existing gear option regarding shields and wattage (30,000 watts).	See response to C-59.
Peter Divona, Long Beach processor	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-66. Author's comments mirror C-63.	See response to C-63.
Peter Divona, Long Beach processor	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-67. Author's comments mirror C-44	See response to C-2(2).
Rich Ashley, market squid vessel operator	verbal testimony provided at the San Pedro Special Hearing dated 13 August 2004	C-66. Author's comments mirror C-63.	See response to C-63.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Chris Mobley, Channel Islands National Marine Sanctuary (CINMS)	letter dated 16 August 2004	C-67. The Sanctuary is concerned that the Department's preferred option (Option A.2) of 118,000 tons is not "risk-neutral" and has the potential for adverse stock and environmental effects. They believe that a more prudent approach would be to use a more representative time frame for setting a catch limit, on the order of the last 10 years of catch which includes dramatic environmental conditions and the rapid expansion of the fishery. Therefore, they support Option A.1, which establishes a seasonal catch limitation of 80,000 tons, to better protect the integrity of the marine ecosystem in the Sanctuary and the long-term sustainability of the fishery.	See response to C-5.
Chris Mobley, CINMS	letter dated 16 August 2004	C-68. Supports the Department's preferred option (Option D.1) for continuation of the weekend closures, including the Sanctuary waters.	See response to C-7.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Chris Mobley, CINMS	letter dated 16 August 2004	C-69. Supports continued squid monitoring to improve the development of management models and provide a better understanding of squid population dynamics. The Sanctuary also recommends that the Department in collaboration with the squid industry, academia and agency partners such as the Sanctuary, enhance fishery-independent monitoring	See response to C-55. The Department supports research collaboration with the fishing industry, other agencies, and academia.
Chris Mobley, CINMS	letter dated 16 August 2004	C-70. Supports the continuation of existing gear restriction on light wattage and shielding (Option G.1)	See response to C-59.
Chris Mobley, CINMS	letter dated 16 August 2004	C-71. Supports the establishment of a capacity goal; however, the goal should be commensurate with the catch limitation and based on the Sanctuary's recommendation for a lower catch limit the capacity target would have to be recalculated.	See response to C-30(1).



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Chris Mobley, CINMS	letter dated 16 August 2004	C-72. Supports Option R.1, which establishes area and time closures restricting squid fishing around Anacapa, Santa Barbara, and San Miguel Islands from 1 February through 30 September (1 nm). In addition, the Sanctuary recommends consideration of year round closures at the above islands given the seasonal variability among species and from year to year due to natural causes (i.e. El Nino Events).	See response to C-24.
Orlando Amoroso, SCCFA	verbal testimony provided to Commission dated 27 August 27 (similar to comment in letter dated 23 August 2004)	C-73. Recommends a compromise that would accept the Monterey proposal as written (50 landings, 1/1/2000-3/31/2003 window period) without excluding those historic fishermen that have already qualified for initial issuance under the Department's preferred position (50 landings, 1/1/1990-11/12/1999 window period).	See response to C-1.
Orlando Amoroso, SCCFA	letter dated 23 August 2004	C-74. Supports a grandfather clause that is based not so much on "how many" but "how fair". The association is sympathetic to the needs of those fishermen that have pioneered and contributed to the success of the squid fishery...but may miss initial issuance of transferable permits due to extreme circumstances or factors beyond their control.	See response to C-33 and C-34.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Orlando Amoroso, SCCFA	verbal testimony provided to Commission dated 27 August 27 (similar to comment in letter dated 23 August 2004)	C-75. Supports a permit fee of \$400.	See response to C-2(2).
Michael J. Bovovina, purse seine vessel owner	letter received 23 August 2004	C-76. Supports a 20-year window period from 1984 through 2004 for initial issuance.	See response to C-1.
Michael J. Bovovina, purse seine vessel owner	letter received 23 August 2004	C-77. All permits should be transferable.	See response to C-2(1). By not allowing transferable permits, the attrition of the fleet would be more rapid; however, it will likely not meet the practical needs of working vessels and can have implications for vessel safety. Transferable permits would promote conservation among fishery participants, provide for an orderly fishery, and maintain long-term economic viability of the fishery.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-78. Author's comment mirror C-67.	See response to C-5.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-79. Author's comment mirror C-68.	See response to C-7.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-80. Author's comment mirror C-69.	See response to C-69.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-81. Author's comment mirror C-70.	See response to C-59.
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-82. Author's comment mirror C-71.	See response to C-30(1).



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Sean Hastings, CINMS	verbal testimony provided to Commission dated 27 August 2004	C-83. Author's comment mirror C-72.	See response to C-24.
Kate Wing, NRDC	verbal testimony provided to Commission dated 27 August 2004	C-84. Does not like the MSY approach for squid because the Restrepo, et al (1998) guidelines were established for longer lived species. Would rather see squid managed by egg escapement and time and area closures coupled with a catch limitation that is not fixed.	See response to C-5, C-8, and C-56.
Kate Wing, NRDC	verbal testimony provided to Commission dated 27 August 2004	C-85. The MSY option is not consistent with current law (MLMA) because there is no optimum yield (OY) calculation in the plan.	See response to C-5.
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 27 August 2004	C-86. The catch limitation recommended by the Department (Option A.2) is too high. Would rather see Option A.1 used as a calculator with the catch limitation set year to year.	See response to C-5.
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 27 August 2004	C-87. Supports a maximum wattage limitation of 15,000 watts.	See response to C-59.
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 27 August 2004	C-88. Does not support such a large area closure for District 10. Does support an area closure for the Gulf of Farallons only if a lower catch limitation is chosen coupled with other area closures around the Channel Islands.	See responses to C-8.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-89. Supports a catch limitation of 100,000 tons, with area quotas of 1,000 tons (for an experimental fishery) above Pt. Arena and 99,000 tons for the remainder of California.	See response to C-5. Area quotas were not included in the range of regulatory options that were under consideration by the Commission.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-90. Supports limited entry (55 vessel permits/52 light boat permits) with 2 to 3 permits for a north coast experimental fishery.	See response to C-30(1). Because the Commission did not close the area north of Pillar Point to the squid fishery, they decided to establish up to three non- transferable experimental gear fisher permits for the north coast.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-91. Would like to keep permit fees between \$1,000 and \$2,500 and would also like to increase the landing tax.	See response to C-2(2).
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-92. Supports a four day fishery for District 10 and 16, Monday 1200- Friday 1200.	See response to C-7.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-93. Supports the establishment of areas closed to squid vessels using attracting lights around the Farallons and/or Pt. Reyes (2 nm closure).	See response to C-8.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-94. Author's comments mirror C-59.	See response to C-59.
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 27 August 2004	C-95. Supports a 40 ton trip limit.	See response to C-6.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele, CWWA	verbal testimony provided to Commission dated 27 August 2004	C-96. Supports Option A.2, which would establish a catch limitation of 118,000 tons, because (1) the catch limitation is based on the best available science, (2) squid are found coast-wide, (3) squid are genetically homogenous, (4) females show evidence of spawning at least once before catch, and (4) El Nino is unpredictable and the resource has shown to manage itself during this event.	See response to C-5.
Diane Pleschner-Steele, CWWA	verbal testimony provided to Commission dated 27 August 2004	C-97. Does not support additional area and time closures because many fishing spots are already closed by the MPA's.	See response to C-8.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission dated 27 August 2004	C-98. Supports a District 16 closure from 1200 Friday - 1200 Monday.	See response to C-7.
David Crabbe, vessel owner and representative for the Monterey squid fleet	verbal testimony provided to Commission dated 27 August 2004	C-99. Supports a catch limitation of 100,000 tons.	See response to C-5.
Kathy and Steve Fosmark, commercial fishers	verbal testimony provided to Commission dated 27 August 2004	C-100. Wants grandfather qualifications to allow current permit holders with no landing qualifications.	See response to C-33 and C-34.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Pete Dupuy, commercial fishermen	verbal testimony provided to Commission dated 27 August 2004	C-101. For the grandfather clause, would like the Commission to consider the following criteria (1) holds a current 04/05 market squid permit, (2) made a minimum of 40 landings prior to August 27, 2004, and (3) has had a CFL for at least 20 years.	See response to C-34.
Mike McHenry, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004	C-102. Would like to see District 10 left open for squid fishing.	See responses to C-8.
Terrance Mines, market squid light boat operator	verbal testimony provided to Commission dated 27 August 2004	C-103. Does not support weekend closures. With all the closures, would like to be able to fish weekends.	See response to C-7. The statewide weekend closure is an environmentally protective, precautionary measure to provide spawning squid at least two consecutive nights each week respite from fishing pressure. Eliminating weekend closures might increase fishing pressure despite disproportionately at various times during the season.
Terrance Mines, market squid light boat operator	verbal testimony provided to Commission dated 27 August 2004	C-104. The permit fees are too high.	See response to C-2(2).
Terrance Mines, market squid light boat operator	verbal testimony provided to Commission dated 27 August 2004	C-105. Author's comment mirrors C-77.	See response to C-77.
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 27 August 2004 (similar to comment in letter dated 25 February 2004)	C-106. Supports an experimental fishery (5 transferable permits) and would like to establish a squid fishery in Fort. Bragg	See response to C-90.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 27 August 2004	C-107. Author's comment mirrors C-25.	See response to C-8.
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 27 August 2004 (similar to comment in letter dated 25 February 2004)	C-108. Author's comment mirrors C-87.	See response to C-59.
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 27 August 2004 (similar to comment in letter dated 25 February 2004)	C-109. Keep all existing squid permits; however, permits should be issued to squid fishermen by region with the Fort Bragg region being defined with the northern boundary approximately at Cape Mendocino and the southern boundary with three possibilities: Pt. Reyes, Gualala, or Pt. Arena.	See response to C-1, C-12, and C-33. A regional restricted access program was not included in the range of regulation options that were under consideration by the Commission.
Frank Mateljan, representative for Tri Marine International Inc.	verbal testimony provided to Commission dated 27 August 2004	C-110. Does not support area and time closures.	See response to C-8.
Frank Mateljan, representative for Tri Marine International Inc.	verbal testimony provided to Commission dated 27 August 2004	C-111. Does not support squid catch limitations because industry and resource is resilient.	See response to C-5.
Tim Sullivan, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004	C-112. Supports the establishment of areas closed to squid vessels using attracting lights around the Farallons and/or Pt. Reyes. Does not support Option Q.3, which closes squid fishing north of Pillar Point.	See responses to C-8.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Tim Sullivan, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004	C-113. Author's comment mirrors C-87.	See response to C-59.
Tim Sullivan, commercial fisherman	verbal testimony provided to Commission dated 27 August 2004	C-114. Supports the Department's initial issuance criteria for market vessel permits (possession of a current market squid vessel permit and made at least 50 landings between 1/1/1990-11/12/1999).	See response to C-1.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-115. Does not consider the suggested quota of 118,000 to be "risk neutral". They recommend that the State adopt the 80,000 ton limit (Option A.1) as an interim step to using an adaptive, in-season management system based on egg escapement monitoring.	See response to C-5 and C-56.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-116. Supports continued monitoring for the squid fishery and egg escapement because monitoring is important for tracking and understanding the impacts from this fishery and the status of populations.	See response to C-56.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-117. Supports limiting the fleet size because it is important to the natural resources and to the economics of the individual fishermen not to overcapitalize this fishery.	See response to C-1, C-12, C-30(1), and C-33.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-118. Agree with the recommendation of the MSFMP Peer Review Panel that a) a fixed annual quota be treated as a transitional management tool and b) this fixed annual quota be split by region at Point Conception.	See response to C-5.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-119. An observer program is needed to document fishery interactions with wildlife, monitor by-catch, and independently verify the data reported through other sources.	See response to C-29.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-120. Supports weekend closures for the purpose of giving spawning aggregations a rest and want to be sure that the islands are included in the weekend closures.	See response to C-7.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-121. Recommends that live bait operations be included in the squid catcher vessel permit system. Also, recommends that expanded data collection from the live bait fishery is needed.	See response to C-58. The volume of squid taken as live bait is small; however, bait logs would provide information about the impact of this industry on the resource and it is recommended that the current voluntary live bait logs be modified to include market squid. These logs will be evaluated to verify that squid remains a minor component of the live bait industry.



Table 1-2 Summary of public comment received from 19 July 2004 through 27 August 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-122. Encourages the Commission to support research into the effects of light on seabirds and other organisms. In the interim, they support Option G.4, which would establish gear restrictions for each vessel fishing for squid and light for squid that will utilize shielding that will reduce the light scatter of its fishing operations by shielding the entire filament of each light used to attract squid and orient the illumination directly downward, or provide for the illumination to be completely below the surface of the water. This option should be further reviewed in three years after further study into alternative gear to reduce light.	See response to C-59. The MSFMP does have a research and monitoring component. However, the Department also supports efforts by other agencies or researchers to determine if the squid fishery is impacting seabird colonies at the Channel Islands.
Kate Falkner signed for Russel E. Galipeau, Jr., Superintendent , Channel Islands National Park	letter dated 3 August 2004	C-123. Supports establishing area and time closures restricting squid fishing around Anacapa, Santa Barbara, and San Miguel Islands (1 nm). They also strongly recommend expansion of seasonal closures to the entire year to protect both seabird and pinniped populations present throughout the year.	See response to C-8.



1.2.2 Comments received from 1 February 2004 through 19 July 2004

Summary of Public Comment on Proposed Addition of 53.00 et seq, 149.1, 149.2, 149.3, and 149.4, And Amendment of Section 149, Title 14, CCR; Re: Market Squid Fishery Management Plan (MSFMP, dated 12 April 2004) 1 February 2004 through 19 July 2004

Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, Purse Seine Vessel Owners Association (PSVOA)	letter dated 4 May 2004	C-1. The PSVOA supports criteria for initial issuance that qualifies persons possessing a current valid permit and who made at least 50 landings between January 1, 1990, to December 31, 2002, or who fall under the 20 year grandfather provision.	Comment noted. The Commission may select from a reasonable range of regulatory options for the initial issuance of permits (Option I.1) or may continue with the current moratorium (Option I.2) The Department, however, is recommending a slightly more restrictive criterion for initial issuance of 50 landings between January 1, 1990 and November 12, 1999.
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-2. The PSVOA proposes that a reduced number of vessel permits and ultimate capacity goal be implemented over a 3-5 year period utilizing the following: (1) permit holders may move to larger capacity vessels, which will require ownership of a second permit and absorption of potential latent permits, (2) establish a relatively high permit fee that will discourage ownership for speculative purposes, (3) impose ongoing landing requirements as condition of renewing the permit, and (4) re-evaluate the limited entry program in 2007 to determine if the program is achieving capacity goal objectives.	(1) The Commission may select from a range of options for the transferability of a squid permit (vessel, light boat, and brail) based on other determinations within the MSFMP, including capacity goal and initial limited entry permit issuance criteria. The Department is recommending Option K.3 which would establish full transferability of market squid vessel permits based on comparable capacity (within 10%) and would also establish transferability of market squid vessel permits to a vessel of larger capacity under a "2 for 1" permit retirement. 2) The Commission may select from a wide range of annual permit fees (\$400-\$5,000) based on the costs to manage the market squid fishery. Also, see response to C-9. (3) Rejected. Currently, the regulations do not have an option within restricted access that would impose ongoing landing requirements as a condition of renewing a permit. The Department does not support this concept because it would encourage fishing effort that may not otherwise happen. (4) Comment noted. It is the Commission's policy that each restricted access program be reviewed at least every four years, and if appropriate, revised to ensure that it continues to meet the objectives of the State and the fishery participants. The MLMA requires a review of each marine fishery every four years. (FGC §7065(a).)



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-3. PSVOA maintains that permits established under either criterion (see C-1) should be fully transferable; however, this approach does not accelerate an ultimate capacity goal. For this reason, PSVOA would support an alternative that made grandfathered permits non-transferable.	Comment noted. See response to C-2 (1). The comment expresses the Association's support for the Department's preferred alternative that would designate grandfathered permits as non-transferable.
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-4. PSVOA supports the DFG limited entry criteria for light boat permits provided that criteria is supplemented to provide for an equal number of vessel and light boat permits. Therefore, current vessel permit holders who do not qualify for a vessel permit on or after April 1, 2004, should qualify for a light boat permit based on total landings between January 1, 1990, and December 31, 2002.	Comment noted. The Department is proposing that the capacity goal for light boat and brail permits be combined to equal the capacity goal for vessel permits and to maintain the approximate 1:1 ratio of vessels to light boats. The Department anticipates 55 light and brail boats to qualify for initial permit issuance against the 52-boat goal and is recommending that light boats only be transferable at the ratio of 2:1 until the capacity goal is reached at which time light boat permits may be transferred freely. PSVOA's recommendation for "supplemental vessels" is outside the scope of the regulatory options provided for the Commission's consideration. Moreover, the Department has proposed only the use of logbook records to demonstrate participation in the fishery by light boats, given that light boats do not actually land fish unless it is by brail.
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-5. PSVOA supports an 118,000 seasonal catch limited based on a recent three year average catch.	Comment noted. The comment expresses the Association's support for the Department's preferred Option A.2.
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-6. PSVOA supports trip limits to improve quality, price stability, and capacity goal objectives. If not imposed in the initial MSFMP, then it should be a focus item for the Advisory Committee.	Comment noted. The Commission may select from a range of options for the initial issuance of permits based on the degree of productivity and specialization that they deem reasonable. In addition, the Commission can choose not to establish daily trip limits (Option C.2), or they can establish a daily trip limit ranging from 30-138 tons daily for market squid vessels and 15 tons for brail vessels (Option C.1). The Department, however, is not recommending the establishment of daily trip limits at this time because the seasonal harvest limit has not been taken in recent years; therefore, there is not a race between vessels to land the allowable limit in as short of time as possible. Furthermore, fish processors implement their own trip limits as needed to regulate the amount of squid delivered per day.



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-7. PSVOA supports continued statewide closure of the fishery from noon Friday to noon Sunday.	Comment noted. The comment expresses the Associations' support for the Department's preferred Option D.1.
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-8. PSVOA opposes the setting aside of additional areas for harvest replenishment. Current and potential new set asides under the Marine Life Protection Act, weekend closures, and further restriction of vessel permits will provide ample resource protection.	Comment noted. The Commission may select from a range of options that offer seasonal closure areas for seabird protection (Option R), harvest replenishment areas, and/or general habitat closures (Option Q). The seasonal closure options were designed to provide various levels of protection to multiple seabird species which may have reduced, threatened, or endangered population levels. The general habitat closures are designed to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing. These areas would also serve as harvest replenishment areas. The Department is recommending a general habitat closure north of Pillar Point to the Oregon border and area and time closures restricting the use of attracting lights around Anacapa and Santa Barbara islands from February through September (one nm closure). These closures will provide for the sustainability of the resource, reduces the potential for interactions with non-target species, and offers protection to at least 12 nesting bird species, including one endangered, one candidate/threatened, and three state species of special concern.



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-9. PSVOA supports relatively high and uniform fees to reach capacity goal objectives and fund necessary DFG research.	<p>Comment noted. The Commission may select from a reasonable range of annual permit fees (\$400-\$5,000) based on the costs to manage the market squid fishery. The Department recommends that all permit fees be set at \$5,000, regardless of permit class (Option J.1).</p> <p>By law, permit fees cannot exceed the cost of managing the market squid fishery (FGC §8428.). The current baseline cost for maintaining existing Department programs that deal directly with market squid research, monitoring, enforcement, and license sales exceeds \$954,000 annually. Under the Department's preferred option for initial issuance, the number of permits issued for all permit classes would be 124. At a fee of \$5,000, this would generate a total of \$620,000. Since this fee is less than the costs to monitor the fishery, other sources of revenue will be necessary to supplement the program. Although some revenue is generated from taxes levied on squid landings (\$3.80 per ton), the source of funding is variable and dependent entirely on the success of the fishery year-to-year.</p>
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-10. PSVOA does not believe that the Department's options adequately address the issue of gear restrictions. They maintain that vessels could utilize more environmentally benign fishing gear without sacrificing efficiency or productivity, and the issue should be a focus item for the Advisory Committee.	<p>Disagree. Net restrictions do not clearly address a specific management need or goal and would be very program-intensive to enforce. The combination of MPAs, weekend closures, a seasonal catch limit, and a restricted access program is more effective in minimizing fishery impacts, resulting in reduced fishing effort on specific spawning aggregations and in other sensitive locations. Also, the Department is generally reluctant to recommend or develop a management measure without identifying an anticipated benefit of such a measure. However, the advisory committee is the correct entity for future evaluation of such a comment.</p>
Robert Zuanich, Executive Director, PSVOA	letter dated 4 May 2004	C-11. PSVOA supports establishment of a broad based advisory committee which could work in concert with the PFMC advisory committee for other coastal pelagic species.	<p>Comment noted. The comment expresses the Association's support for the Department's preferred Option S.1.</p>



FINAL MARKET SQUID FISHERY MANAGEMENT PLAN
DATED: 25 March 2005

Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Ernest S. Pagan, market squid light boat operator	letter dated 3 May 2004 and verbal testimony provided to Commission dated 4 May 2004	C-12. Does not support a qualifying time period for light boat permits of January 1, 2000, to December 31, 2002. The window period for limited entry should be extended to include new participants.	Comment noted. The Commission may select any window period start date from June 1, 2000 to any end date from December 31, 2000, through March 31, 2003. The specified permit dates were updated to reflect the extension of the MSFMP's adoption date.
Ernest S. Pagan, market squid light boat operator	letter dated 3 May 2004 and verbal testimony provided to Commission dated 4 May 2004	C-13. The proposed permit fee of \$5,000 is too high especially for those vessel types with limited landing capability.	See response to C-9.
Ernest S. Pagan, market squid light boat operator	verbal testimony provided to Commission dated 4 May 2004	C-14. Supports Option A.6, which does not set a seasonal catch limitation.	<p>Comment noted. The Commission may choose a seasonal catch limit of 24,000 to 125,000 tons depending on the precautionary level they deem reasonable. They may also choose not to establish a season catch limitation.</p> <p>Although there is little information to indicate whether the fishery is or is not sustainable at the higher catch levels experienced since the mid- 1990's, as a precautionary measure, it is prudent not to allow landings to expand beyond present levels without better methods to assess the status of the resource. Given the number of currently permitted squid vessels and significant excess capacity in the fleet, dramatic increases in catch could occur in a short time frame unless a safeguard is in place. In the proposed regulations (Section 53.02, Title 14, CCR), periodic monitoring and assessment of squid fisheries will be conducted, and if needed, the Department will provide management recommendations to the Commission.</p>
Diane Pleschner-Steele, California Wetfish Producers Association (CWPA)	verbal testimony provided to Commission dated 4 May 2004	C-15. Supports the goals and objectives of the MSFMP.	Comment noted.
Diane Pleschner-Steele, CWPA	verbal testimony provided to Commission dated 4 May 2004	C-16. Does not support the proposed permit fee of \$5,000 because the money will not go towards squid research.	See response to C-9.



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele, CWPA	verbal testimony provided to Commission dated 4 May 2004	C-17. Does not support the general habitat closure north of Pillar Point (Option Q.3) because the mobile nature of the squid resource requires flexibility for the fishermen.	<p>Comment noted. The Commission may select from a range of options that offer harvest replenishment areas and/or general habitat closures (Option Q). The general habitat closures were designed to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing. These areas would also serve as harvest replenishment areas.</p> <p>The Department is recommending that the area north of Pillar Point be closed to commercial squid fishing because of the Department's concern with regard to seabird interactions and the potential for bycatch of salmon. In addition, marine mammals, primarily pinnipeds, have always been associated with the squid fishery, especially when the fishery occurs near haul-out sites. This general habitat closure area would include part of Monterey Bay National Marine Sanctuary, the Gulf of the Farallones National Marine Sanctuary, Cordell Bank National Marine Sanctuary, and the Farallon Islands, a National Wildlife Refuge. The Farallon Islands are home to one of the largest and most diverse seabird colonies in the continental U.S. They provide critical nesting habitat for twelve species of seabirds. They also provide breeding habitat for five species of pinniped, including the Steller sea lion which is listed as threatened under the Federal ESA. The creation of this large general habitat closure area should maintain current forage reserves for seabirds, marine mammals, and other marine species that consume squid. In addition, any possible seabird or marine mammal interactions or bycatch problems associated with the fishery would not occur in this area.</p>
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 4 May 2004	C-18. Does not support the proposed permit fee of \$5,000 because it would be a hardship to fishermen.	See response to C-9.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 4 May 2004	C-19. Does not support additional harvest replenishment and area and time closures.	See response to C-8
David Couch, San Diego fisherman	verbal testimony provided to Commission dated 4 May 2004	C-20. Author's comment mirrors C-18.	See response to C-9.



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
David Couch, San Diego fisherman	verbal testimony provided to Commission dated 4 May 2004	C-21. Does not support Department's preferred alternative, Option K.3, which establishes transferability of market squid permits to a vessel of larger capacity under a "2 for 1" permit retirement.	Comment noted. The Commission may select from range of options for the transferability of a squid permit (vessel, light boat, and trail). Transfer provisions are closely tied to issues such as capacity goal and initial limited entry permit issuance criteria. The Commission will consider the need to impose mechanisms designed to achieve the capacity goals, such as transferability and permit fees based in part upon how quickly they wish to attain those goals. The proposed Option K.3 will prevent an increase in fleet capacity while allowing new vessels to enter the fishery. The transferability options will also provide for an orderly fishery, promote conservation among fishery participants, and maintain the long-term economic viability of the fishery. However, the Commission may elect to allow permit transfers to vessels of any size on a 1-for-1 basis. The Department's preferred alternative is also consistent with the federal CPS FMP.
Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	letter dated 22 April 2004 and verbal testimony provided to Commission dated 4 May 2004	C-22. At this time, supports the combination of the proposed cap on landings, at the level recommended by the Department, and continued monitoring of egg escapement.	Comment noted. The comment expresses the author's support for the Department's preferred Options A.2 and B.1.



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	letter dated 22 April 2004 and verbal testimony provided to Commission dated 4 May 2004	C-23. Does not support the general habitat closure north of Pillar Point (Option Q.3) because (1) squid is only one of a complex mix of forage animals; therefore, there is ample forage available despite the growth of the squid fishery in recent years and (2) the economic impact of the preferred option could be greater than the FMP suggests because the use of a long-term average of landings from north of Pillar Point down-weights the value of the recent catch.	<p>Comment noted. The Commission may select from a range of options that offer seasonal closure areas for seabird protection (Option R), harvest replenishment areas, and/or general habitat closures (Option Q).</p> <p>(1) As part of the 1997 Legislation enacted to protect the market squid resource, the Department was directed to determine where there are areas, if any, that should be declared harvest replenishment areas. Harvest replenishment and general habitat closures provide for specific areas where no squid fishing can occur and provide areas of uninterrupted spawning. In addition, general habitat closures are intended to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing and where there is the potential for interactions with non-targeted species such as salmon, seabirds, and marine mammals. Implementation of the general habitat closure in all waters north of Pillar Point would eliminate any direct and indirect market squid fishery impacts to the ecosystem. (2) Comment noted. The speaker is correct that the value of recent catch is down-weighted when an average over many years is taken. However, if catches occurred in only one of the past six years in any magnitude, it is not reasonable to expect that a vessel would come to rely on the ability to make that catch in the future. Department catch data indicate that catches in 2003 north of the Monterey area were anomalous and unprecedented. While it is possible they may be repeated in some future years, the Department considers this loss in terms of future opportunity for expansion into these areas, rather than a loss of an area that has been historically productive.</p>



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Frank J. Hestor, PhD, consultant to California Wetfish Producers Association (CWPA)	letter dated 22 April 2004 and verbal testimony provided to Commission dated 4 May 2004	C-24. Does not support the Department's preferred alternative, Option R.4., which establishes area and time closures restricting the use of attracting lights around Anacapa and Santa Barbara islands from February through September, because the need for this action is not well supported by published literature.	Comment noted. The Commission may select from a range of options that offer seasonal closure areas for seabird protection (Option R), harvest replenishment areas, and/or general habitat closures (Option Q). Option R was selected as a recommended precaution considering the best scientific information that is available without substantially delaying the preparation of the plan. (FGC § 7072(b).) However, as recognized by the market squid legislation, information on this resource is limited, and the FMP addresses this with a research and monitoring component. As knowledge increases or additional management needs become apparent, the FMP will allow the Commission to react quickly to changes in the status of the resource or the fishery. If Option 4 is chosen, the Department recommends monitoring the fishery through the evaluation of squid fishing logbooks to determine where the fishery is concentrated after implementation. The Department also supports efforts by other agencies or researchers to measure noise and other activities to determine if the squid fishery is impacting seabird colonies in the Channel Islands.
Frank Bertoni, commercial fisherman	letters dated 22 April 2004 and 2 June 2004	C-25. Does not support the Department's preferred alternative, Option Q.3, which closes the waters north of Pillar Point to commercial squid fishing.	See response to C-8.
Frank Bertoni, commercial fisherman	letters dated 22 April 2004 and 2 June 2004	C-26. Does not support the proposed permit fee of \$5,000 because it eliminates the small market squid fishermen. Instead, the author would like to increase the squid landing fee from \$3.75 per ton to \$20.00 plus per ton.	See response to C-9
Frank Bertoni, commercial fisherman	letters dated 22 April 2004 and 2 June 2004	C-27. Does not support restricted access.	Comment noted. The possibility of a restricted access program was contemplated by the Legislature in the market squid legislation, as well as in the MLMA. (FGC §§7082(b), 8420(e), 8426(c).)



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-28. Supports Option A.3, which establishes regional season catch limitations based on a multi-year recent average catch for each region, especially if it takes into consideration an environmentally-dependent model, such as based on upwelling indices or sea surface temperatures. The preferred option (Option A.2) does not take into account environmental variability. Would like to modify the tonnage limit by consumption estimates for marine birds and mammals.	Comment noted. Based on the best scientific information or other relevant information that can be obtained without substantially delaying the FMP, the preferred Option A.2 takes into account the level of fishing effort and ecological factors, including, but not limited to, the species' role in the marine ecosystem and oceanic conditions. (FGC §§7050(b)(5), 7072(b), 8425(a).) The Department supports a harvest policy which assumes that the stock is above B_{MSY} because available data indicate that squid continue to serve as a primary source of forage even at times when the fishery is also utilizing the resource. For example, because squid continue to comprise a substantial portion of the diet of California sea lions during times that the fishery is landing high volumes of squid, there is no evidence to indicate that the squid resource is limited and not fulfilling its role as a forage item even during the heaviest times of fishery utilization. Therefore, it does not appear that any adjustment to the allowable catch level is needed to quantitatively reserve some amount of the resource for use as forage until there is a viable estimate of the squid population size and a viable estimate of the total amount of squid consumed by predators. Additionally, regulatory options are available to the Commission for their consideration that would prevent fishing activity in some places where squid are suspected to serve an important forage role.
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-29. Supports the establishment of a fishery observer program to document potential effects on sensitive wildlife, particularly marine birds and mammals.	Comment noted. Currently, vessel owners or operators in the California purse seine fisheries are subject to the federal observer program under the Marine Mammal Protection Act (MMPA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). In June 2004, vessel owners and operators received notice from NMFS stating that a mandatory observer program has been instated. Under this program, observers will collect data on the interactions between California purse seine fishing gear and protected species, particularly marine mammals, sea turtles, and sea birds as well as target and non-target fish species.



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-30. (1) There should be a limit to the number of light boats per seiner, or (2) the total wattage should account for all boats within a given time.	<p>(1) Comment noted. The Department's preferred Option H.3 would set the capacity goal for both market squid vessel permits and market squid light boat owner permits at 52. Because brail vessels function largely as light boats and the goal of the plan is to match the number of light boats to the number of market squid vessel permits, brail vessel permits would be part of the total light boat capacity goal of 52 vessels. Therefore, there would be a one-to-one ratio between purse seine vessels and light boats. Also, see response to C-4.</p> <p>(2) Reject. Limiting the total wattage emitted by the fleet at any given time is not feasible as a management measure. Outside of weekend closure and proposed seasonal closure restrictions, the Department does not specify when or how many vessels may engage in squid fishing or lighting at a particular time, nor is there any reasonable way to track such information.</p>
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-31. Replenishment areas should be set aside in southern, central and northern California. (1) Establish replenishment areas within known spawning areas, and (2) establish replenishment areas that are also important for marine bird and mammal foraging (i.e. northern Monterey Bay, Gulf of the Farallones).	<p>Comment noted. The 12 MPAs at the northern Channel Islands include known commercial squid fishing sites at Santa Barbara, Anacapa, Santa Cruz, and Santa Rosa islands. Approximately 14-19 percent of prior Southern California squid catches were in areas that are now permanently off-limits to squid fishing. In addition to the closures at the northern Channel Islands, commercial fishermen are not allowed to fish in state designated ecological reserves using roundhaul nets. Several existing reserves are known to be market squid spawning sites (e.g., Carmel Bay Ecological reserve, Point Lobos Ecological reserve, northeast side of Santa Catalina Island, and Santa Monica Bay; all serve as harvest replenishment areas for market squid. In addition to the MPAs, the Department also provides options (under Seasonal Closure Areas for Seabird Protection, Option R, and/or Harvest replenishment Areas and/or General Habitat Closures, Option Q) that would, if adopted, prohibit the take of market squid for commercial purposes in specified northern California waters. The Department proposes that all waters north of Pillar Point be designated as a general habitat closure area year round (Option Q.3); this option would include part of the Monterey Bay National Sanctuary, the Gulf of the Farallones National Marine Sanctuary, Cordell Bank National Marine Sanctuary, and the Farallon Islands, a national refuge. Also, see responses to C-23 and C-24.</p>



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Hannah Nevins, seabird biologist	letter dated 4 May 2004	C-32. None of the proposed alternatives offer uniform protection to all sensitive seabird nesting habitats. Option R.4 should be extended to include a buffer zone (one nm) applied to all seabird colonies, including the Channel Islands, Big Sur, Gulf of the Farallones, and Pt. Reyes. The time of closure should also be extended to 30 November to avoid potential light-related mortality of fledgling chicks and adult ashy storm-petrel (Option R.10).	<p>Comment noted. The Commission may choose from a range of options that offer seasonal closure areas for seabird protection (Option R). The seasonal closures were designed to provide various levels of protection to multiple seabird species which may have reduced, threatened, or endangered population levels. While the Department does not provide a specific option that would close all the seabird colonies of the Channel Islands, or an option that would close Big Sur, the Department's bird staff made decisions on which colony areas were most sensitive and thereby most deserving of seasonal closure protection. If new information becomes available, addition closures (or openings) can be considered. Also, see response to C-24.</p> <p>As for Option R.10, the Department believes that the general habitat closure proposed from Pillar Point to the Oregon border (preferred Option Q.3) would satisfy the need to proposing additional protection for nesting seabirds at the Farallon Islands.</p>



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Daniel L. Williams, commercial fisherman	letter dated 7 June 2004	C-33. Currently, there is a need for light boats in the fishery because many of the seiners do not have a light boat to work with to their consternation. As a full-time fisherman for the past 24 years, the author would like to see a similar non-transferable or transferable permit option for the light boat permit.	<p>Comment noted. Under the Department's preferred Option H.3, the capacity goal for both market squid vessel permits and market squid light boat owner permits would be set at 52. Because brail vessels function largely as light boats and the goal of the plan is to match the number of light boats to the number of market squid vessel permits, brail vessel permits would be part of the total light boat capacity goal of 52 vessels.</p> <p>The Commission has the option to consider 20-year fishermen as part of the brail permit program, which would authorize a 20-year non-transferable permit holder to serve as a light boat. Under the 20-year fishermen provision, landing data maintained by the Department is an appropriate basis for documenting fishery participation (FGC § 8101). Because the Department cannot verify historical participation by an individual in the squid light boat fishery before 1999 by evaluating landing receipts, there is no provision in the restricted access options to issue 20-year fishermen non-transferable light boat owner permits. If the Commission feels the proposed light boat qualification criteria is too stringent, it may select a more recent window period end-date that would allow additional participants in the fishery. At this time, light boat logs are the only uniform method available to the Department for evaluating prior performance in the light boat fishery.</p>



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
David W. Tibbles, commercial fisherman	letter dated 11 May 2004	C-34. Would like clarification on the initial issuance of market squid vessel permits based on the 20-year fishermen provision.	In the proposed regulations (Section 149.1, Title 14, CCR), the Commission may designate that 20 year qualifiers be non-transferable based on the following criteria: (1) consistent with Fish and Game Code Section 8101, the individual must have been licensed as a California commercial fisherman for at least 20 years at the time of application and (2) has a minimum number of landing of market squid during any one license year from [January 1, 1990 – January 1, 2000] through [November 12, 1999 – March 31, 2003]. Only receipts that demonstrate catch aboard a vessel that does not already qualify for issuance of a transferable Market Squid Vessel Permit are eligible. Only one individual may qualify per vessel, even if multiple individuals meet the specified requirements. The individual with the greatest number of landings aboard the vessel is eligible for qualification. The Commission may also elect to require that the vessel may engage in commercial squid fishing activity as authorized by the permit only when the permit holder is aboard the vessel (designated operators are not permitted).
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-35. Each permittee should be limited to an annual catch not to exceed 1,000 tons. This would distribute the allowable quota evenly to each permittee and there would be less chance of over harvesting individual spawns.	Annual catch limitations were not included in the range of regulatory options that were under consideration by the Commission.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-36. Landings should not exceed 30 tons per vessel in a 24-hour period in an effort to conserve biomass in a specific area.	See response to C-35.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-37. The seine net depth should be no more than the ocean depth in which it is deployed. This is to prevent the seine net from scraping the ocean floor.	Net restrictions were not included in the range of regulatory options that were under consideration by the Commission.



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-38. Provisions should be made for observer's to access the squid fishery.	Currently, vessel owners or operators in the California purse seine fisheries are subject to the federal observer program under the Marine Mammal Protection Act (MMPA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). In June 2004, vessel owners and operators received notice from NMFS stating that a mandatory observer program had been instated. Under this program, observers will collect data on the interactions between California purse seine fishing gear and protected species, particularly marine mammals, sea turtles, and sea birds as well as target and non-target fish species.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-39. Advisors should be established for the proposed Fort Bragg region.	The Commission adopted the establishment of one advisory committee for the squid fishery, which includes scientific, environmental, and industry representatives.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-40. The landing tax should be increased to support enforcement and resource research on an equal balance. This would be preferable, coupled with a tolerable permit fee, to lower the burden on smaller operations.	Comment noted. By law, permit fees cannot exceed the cost of managing the market squid fishery (FGC §8428.). The current baseline cost for maintaining existing Department programs that deal directly with market squid research, monitoring, enforcement, and license sales exceeds \$954,000 annually. Under the Department's preferred option for initial issuance, the number of permits issued for all permit classes would be 124. At a fee of \$5,000, this would generate a total of \$620,000. Since this fee is less than the costs to monitor the fishery, other sources of revenue will be necessary to supplement the program. Although some revenue is generated from taxes levied on squid landings (\$3.80 per ton), the source of funding is variable and dependent entirely on the success of the fishery year-to-year.



Table 1-3 Summary of public comment received from 1 February 2004 through 19 July 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 25 February 2004	C-41. The Department should eventually allow for two permits to be attached to one vessel in order to reduce fleet size.	The Commission may select from a range of options for the transferability of a squid permit (vessel, light boat, and brail) based on other determinations within the MSFMP, including capacity goal and initial limited entry permit issuance criteria. The Department is recommending Option K.3 which would establish full transferability of market squid vessel permits based on comparable capacity (within 10%) and would also establish transferability of market squid vessel permits to a vessel of larger capacity under a "2 for 1" permit retirement.



1.3 Comments and Department Responses to Draft Market Squid Fishery Management Plan (Released for Public Review 7 July 2003)

Summary of Public Comment on Proposed Addition of 53.00 et seq, 149.1, 149.2, 149.3, and 149.4, And Amendment of Section 149, Title 14, CCR;
Re: Market Squid Fishery Management Plan (MSFMP)
7 July 2003 through 1 February 2004

Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Wing, NRDC	verbal testimony provided to Commission dated 1 August 2003.	C-1. The MSFMP is not sufficient as a CEQA document.	Disagree. The Environmental Document (ED) contained in Section 2 of the MSFMP adequately analyzes the potential environmental impacts of the preferred option, and is functionally equivalent to an EIR pursuant to CEQA. The ED presents for public review and comment the extent to which adoption and implementation of the proposed MSFMP may result in potentially significant adverse environmental impacts, and supports the conclusion that any such impacts will be reduced to a level below significance by the conservation and management measures. (FGC § 7084.)
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 1 August 2003.	C-2. Concerned about document being inadequate and that some options are incomplete.	Disagree. See response to C-1. The MSFMP is consistent with both the MLMA and the market squid legislation, and presents a reasonable range of management options for Commission consideration. These options were developed using the best scientific information that is available without substantially delaying the preparation of the plan. (FGC § 7072(b).) However, as recognized by the market squid legislation, information on this resource is limited, and the FMP addresses this with a research and monitoring component. As knowledge increases or additional management needs become apparent, the FMP will allow the Commission to react quickly to changes in the status of the resource or the fishery. This adaptive management feature is contemplated in the MLMA (§§ 90.1, 7056(g)), and the FMP allows for future amendments as necessary (§7087).



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-3. The NRDC would like the Department to adopt a definition of "significant effect" that is consistent with CEQA and will allow a substantive analysis of mitigation and avoidance options. They believe that a more productive approach would be to identify the possible environmental effects that are of concern to the Department and the public as significant and then analyze and articulate how these concerns are addressed under the various alternatives.	Disagree. See response to C-1. The MSFMP is consistent with the MLMA and contains an adequate environmental impact analysis for each management option. Significance criteria can be found in Section 2 of the MSFMP, the ED, Chapter 4
Zeke Grader, Executive Director PCFFA	verbal testimony provided to Commission dated 1 August 2003.	C-4. Would like a provision for at least a couple of experimental permits to take a look at the area north of Point Reyes or Point Arena. Believes that there may be three squid populations.	Comment noted. The Commission may adopt a range of options allowing the issuance of one to five transferable or non-transferable permits for the purpose of developing a squid fishery in areas previously not utilized for squid production (proposed Section 149.3, Title 14, CCR). This option was added based on the request made of the Commission by Mr. Grader. However, pursuant to FGC § 8606, the purpose of an experimental gear permit is to encourage the development of new types of fishing gear and new methods of using existing gear. The fact that a fisherman wishes to exploit a hitherto unfished area may not be grounds for the issuance of an experimental gear permit by the Commission.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-5. The NRDC recommends that the Department require an experimental permit for any boat fishing north of a line at Pillar Point. They also recommend the experimental permit section be revised to mirror state and federal guidelines for experimental fishing permits by limiting permits to one year only, with a cap on renewals, and requiring permittees to carry observers. Experimental permits should also not be transferable, regardless of the conditions chosen for standard permits.	Comment noted. The Commission has the option to designate any experimental permits as non-transferable, should they select to adopt the experimental permit option. Because any experimental permits are issued directly by the Commission, any additional criteria could be added at the Commission's discretion as a special condition of the permit. Additionally, the Department has added options Q and R (under Seasonal Closure Areas for Seabird Protection and/or Harvest Replenishment Areas and/or General Habitat Closures) that would, if adopted, prohibit the take of market squid for commercial purposes in specified northern California waters. These options are intended to protect marine species from direct and indirect squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing.
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-6. The MSFMP should explicitly state that the goals and objectives of the MLMA are the goals and objectives of the FMP and are of equal importance to the more specific goals that follow. They also believe that it may be appropriate to reference the MLMA by name in the regulations rather than using the blanket phrase "other applicable state laws".	Comment noted. The market squid legislation explicitly requires that the fishery be managed in accordance with the MLMA. (FGC § 8425(b).) However, regarding the regulations, there are many other applicable state laws beyond the MLMA that commercial and sport fishermen must abide by while taking or pursuing squid.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Zeke Grader, Executive Director, Pacific Coast Federation of Fishermen's Associations (PCFFA)	verbal testimony provided to Commission dated 1 August 2003	C-7. There should be regional management for the different geographical areas (northern and southern fisheries).	Comment noted. Regional management was added as Option A.3. While it is not the preferred option, the Commission may move toward regional management for the fishery by adopting two specific regulatory provisions using regional management over the long term. First, they may select the option of adopting catch limitations which are regional for northern and southern California fisheries. Second, the Commission may adopt a regional control date for purposes of developing a future regional restricted access commercial fishery program.
Donald Brockman, Southern California Light Boat Operators	verbal testimony provided to Commission dated 1 August 2003 and verbal testimony provided to Commission dated 5 December 2003	C-8. Author's comment mirrors C-7.	See response to C-7.
Bob Strickland, United Anglers of California	letter dated 20 August 2003 (presented at the 21 August 2003 marine subcommittee meeting)	C-9. Author's comment mirrors C-7.	See response to C-7.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Karen Reyna, The Ocean Conservancy	letter dated 30 July 2003 and verbal testimony provided to Commission dated 1 August 2003	C-10. Squid do not have a stock assessment; considered data-poor. The preferred option (Option A.2) assumes that biomass is above maximum sustainable yield, but there is no data to support or deny assumption.	Comment noted. The Commission has a range of seasonal catch limitations from 24,000 tons to 125,000 tons available for their consideration (Option A), and may apply whatever precautionary level they deem reasonable. The Department agrees that squid are data-poor, and the market squid legislation clearly contemplates addressing this problem (FGC §8426). However, because the market squid fishery can support landings of greater than 100,000 tons in multiple seasons (1999-2002), the stock appears robust enough to withstand high levels of landings. This is likely due to specific reproductive characteristics of squid, for which there is scientific information. The short lifespan of market squid coupled with the existence of multiple cohorts within a year suggests that the spawning biomass undergoes continuous recruitment. Therefore, a default control rule of 1.0, which assumes that the stock is above the average spawning biomass (B_{MSY}), rather than the lower value of 0.67 (Option A.1), which assumes that the stock is above the minimum stock size threshold (MSST) but below B_{MSY} , is most likely appropriate for this species. The Department further recommends that the preferred option be applied to the fishery in conjunction with monitoring the fishery through the egg escapement method, which would give forewarning of any overharvest, and that any seasonal catch limit be reviewed periodically.
Karen Reyna, The Ocean Conservancy	letter dated 30 July 2003 and verbal testimony provided to Commission dated 1 August 2003	C-11. There is no reduction in average catch based on socioeconomic or biological considerations.	Disagree. Both socioeconomic and biological considerations were taken into account for all options. Preferred Option A.2 will not cause significant economic impacts to businesses and is considered a "risk-neutral" approach to long-term sustainability.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Karen Reyna, The Ocean Conservancy	letter dated 30 July 2003 and verbal testimony provided to Commission dated 1 August 2003	C-12. The proposed project should endorse regional management based on Monterey landings for 2002/2003 and 2003/2004 seasons.	Disagree. Establishing separate regional catch limits is not warranted at this time for two reasons. First, the smaller fishery in the northern region is not preempted by the catch in the southern region, so continuing with a statewide limit does not create a "race for fish." The northern fishery typically harvests squid from April through September while the southern fishery does not begin catching squid until October. Because the squid season begins 1 April, the northern (smaller) fishery would not be impacted by a statewide quota. Second, from a biological perspective, squid harvested in the northern and southern fisheries are identical. No scientific information to date suggests that squid from southern and northern fisheries are from genetically distinct stocks. The lengths, weights and sex ratios are similar between regions. Although spawning peaks are at different times of the year for these regions, the temperature and depth of egg deposition is comparable between regions. If additional biological evidence indicates that there are two distinct biological stocks of squid, regional landings catch limits can be revisited. However, a regional catch limitation (Option A.3) and a regional control date (Option P.1) are included in the regulatory options presented to the Commission for their consideration.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Karen Reyna, The Ocean Conservancy	letter dated 30 July 2003 and verbal testimony provided to Commission dated 1 August 2003	C-13. The preferred option (Option A.2) does not take into account the importance of squid in the ecosystem. Squid are food for many species of birds, marine mammals, and fish (rockfish and lingcod), but the environmental analysis does not mention all species of fish that feed on squid.	<p>Comment noted. Based on the best scientific information or other relevant information that can be obtained without substantially delaying the FMP, preferred Option A.2 takes into account the level of fishing effort and ecological factors, including, but not limited to, the species' role in the marine ecosystem and oceanic conditions. (FGC §§ 7050(b)(5), 7072(b), 8425(a).) While the Department supports a harvest policy which assumes that the stock is above B_{MSY} (see response to C-10), available data indicate that squid continue to serve as a primary source of forage even at times when the fishery is also utilizing the resource. As an example, because squid continue to comprise a substantial portion of the diet of California sea lions during times that the fishery is landing high volumes of squid, there is no evidence to indicate that the squid resource is limited, and not fulfilling its role as a forage item. Therefore, it does not appear that any adjustment to the allowable catch level is needed to quantitatively reserve some amount of the resource for use as forage until there is a viable estimate of the squid population size, and a viable estimate of the total amount of squid consumed by predators.</p> <p>However, the Department acknowledges that squid is an important source of prey for many species; therefore, the Predator/Prey relationship section (Section 2.1.6) of the MSFMP now includes an extended analysis of squid as forage for other species of birds, marine mammals, and fish and an analysis of squid as predators.</p> <p>Additionally, regulatory options are also now available to the Commission for their consideration that would prevent fishing activity in some places where squid are suspected to serve an important forage role.</p>



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 1 August 2003	C-14. The Department should include a new option in the MSFMP that combines Option A.3 and the concept of Option A.1.	Agree. The Commission may select from a wide range of regional catch limitations (see Table 3-6) based on the precautionary level they deem reasonable.
Bob Strickland, United Anglers of California	verbal testimony provided to Commission dated 1 August 2003	C-15. Would like to know, under Option A.2, what the total tons taken would be if the bait fishery was included. He is concerned about the amount of squid taken from environment.	Comment noted. Estimates of tonnage and value are not available because the sale of live bait in California is not documented by landing receipts as is the case for the market landings of squid (FGC §8041 (c)). However, the volume of squid taken as live bait is believed to be small in relation to the overall fishery.
Bob Strickland, United Anglers of California	letter dated 20 August 2003 (presented at the 21 August 2003 marine subcommittee meeting)	C-16. The United Anglers of California believe that the proposed maximum take of 118,000 tons (Option A.2) is too high.	See response to C-10.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 16 September 2003	C-17. The author recommends a three-ton limit for open access with a cap per region to equalize opportunity.	Disagree. The two-ton incidental allowance was determined by the market squid legislation to be adequate for non-directed or small-scale fishery operations. (FGC §8421(b).) Promoting open-access opportunity directly conflicts with the goal of an orderly and sustainable fishery. The possibility of a restricted access program was contemplated by the Legislature in the market squid legislation, as well as in the MLMA and in the Commission's Restricted Access Policy. (FGC §§ 7082(b), 8420(e), 8426(c).)



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele, California Wetfish Producers Association (CWPA)	letter dated 20 October 2003	C-18. The CWPA supports the Department's preferred alternative of 118,000 tons (Option A.2) because a maximum catch limitation at or near the upper bound of recent fishery performance allows optimum yield to be achieved in times of squid abundance, while preventing unbridled expansion. They also state that the preferred alternative will enhance the fishery's ability to maintain flexibility and foster economic stability and enhanced profitability during times of squid abundance.	Comment noted. The comment expresses support for the Department's preferred Option A.2.
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-19. The NRDC believes that the statewide catch level of 125,000 tons is too high and does not reflect the ecosystem importance of squid or the large gaps in our knowledge.	Comment noted. The Commission may choose a seasonal catch limit of 24,000 to 125,000 tons depending on the precautionary level they deem reasonable. The Department's preferred Option A.2 establishes a seasonal catch limitation of 118,000 short tons. See related response to C-10.
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-20. The NRDC is unclear on the text that refers to a "recent three-year average" as the 117,833 ton figure because it does not include the 2002-2003 season.	Disagree. The 2002-2003 season was not included in the "recent three-year" average because the data was preliminary and did not reflect the actual amount of squid that was landed during the season. The current revision includes the 2002-2003 season in its analysis.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-21. The NRDC supports the new regulations that would establish control dates for regional restricted access (Option P.1) and reinstate the 12-hour closure for Monterey (Option D.4).	Comment noted. The Commission may establish a control date for regional restricted access (Option P.1) (proposed Section 149.4, Title 14, CCR). In addition, the Commission may choose from a reasonable range of options regarding additional closure periods for the fishery north of Point Conception (Option D.4). These include an option to extend the current closure of the fishery in that area which is closed from noon on Friday to noon on Sunday. (FGC § 8420.5.) Another option establishes 12-hour closure periods on open fishing days in waters north of Point Conception.
Diane Pleschner- Steele, CWPA	letter dated 20 October 2003.	C-22. The CWPA supports the Department's preferred alternative (Option B.1), which monitors the fishery through the egg escapement method while pursuing a biomass estimate of market squid at an egg escapement threshold level required in the CPS FMP. They also support the 30 percent egg escapement model threshold and state that it is an appropriate proxy in the absence of better information.	Comment noted. The comment expresses support for the Department's preferred Option B.1.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Dan Yoakum, San Francisco Roe on Kelp Advisor, and Frank Bertoni, commercial fisherman	letters dated 16 September 2003 and 12 November 2003 and verbal testimony provided to Commission dated 5 December 2003	C-23. The Department should have boat limits based on years (500 to 1,000 ton per year boat limit) and days (30 to 50 ton per day boat limit) to protect individual spawning areas.	Comment noted. The Department has not included any options for individual annual quotas for vessels at this time. As indicated in the Commission's formal Restricted Access Policy, individual fishery quotas raise complex, controversial issues that would further slow implementation of this regime without substantively contributing to its present management effectiveness. Seasonal catch limitations (Option A.2) and daily trip limits (Option C. 1) are two alternatives available to the Commission to limit the catch, and are less program intensive. Weekend closures (Option D.1) and a restricted access program (Option H.2) also serve to reduce fishing effort on specific spawning aggregations and locations. Currently, the majority of landings are driven by market orders, if either market squid vessels or brail vessels improve their harvesting capability, establishing a daily trip limit should be reviewed if it is not adopted at this time.
Diane Pleschner- Steele, CWPA	letter dated 20 October 2003	C-24. The CWPA supports the Department's preferred alternative (Option C.2), which does not establish trip limits, because squid daily harvest is generally self-limited by market orders set by processors.	Comment noted. The comment expresses support for the Department's preferred Option C.2. However, if either market squid vessels or brail vessels improve their harvesting capability, establishing a daily trip limit should be reviewed if it is not adopted at this time.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 16 September 2003 and verbal testimony provided to Commission dated 5 December 2003	C-25. There should be weekend closures in southern California but no closures in northern California because weather slows the catch naturally.	Disagree. The statewide weekend closure is a more environmentally protective, precautionary measure to provide spawning squid at least two consecutive nights each week respite from fishing pressure. Eliminating weekend closures might increase fishing pressure despite poor weather conditions in northern California. However, the Commission has the option to eliminate the current weekend closure provision in the scope of options presented (Option D.2).



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-26. The CWPA supports the Department's preferred alternative (Option D.1), which continues closures from noon Friday to noon Sunday statewide. They state that time closures are generally preferable to reductions in harvest opportunity through quota or "max cap" (seasonal catch limitation) restriction.	Comment noted. The comment expresses support for the Department's preferred Option D.1.
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-27. The CWPA supports the Department's preferred alternative (Option E.1), which continues the existing monitoring programs.	Comment noted. The comment expresses support for the Department's preferred Option E.1.
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-28. The CWPA supports the Department's preferred alternative (Option F.1), which continues regulations that do not require squid permits when fishing for live bait or incidental take of 2 tons or less. However, several CWPA members believe that everyone who harvests the squid resource should bear some financial responsibility for management costs.	Comment noted. The comment expresses support for the Department's preferred Option F.1.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-29. They recommend that the Commission adopt a permit system for the live bait fishery, and they support the proposed regulations (Sec. 149.2).	Comment noted. Preferred Option F.1 would continue existing regulations that do not require a squid permit when fishing for live bait or incidental take of 2 tons or less. Option F.2 would establish a permit for taking of market squid as live bait. The Department is recommending Option F.1 because it is consistent with the market squid legislation (FGC § 8421(b) and permitting of this comparatively small component of the fishery is not presently indicated.
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-30. The NRDC strongly disagrees with the Department's preferred alternative (Option Q.1), which does not set aside additional areas specifically for harvest replenishment, because of the uncertainty surrounding squid populations	Agree. The Department is now proposing that the waters north of Pillar Point be designated as a general habitat closure area (Option Q.3). The Commission may choose from a reasonable range of options that offer seasonal closure areas for seabird protection (Option R), harvest replenishment areas, and/or general habitat closures (Option Q). The seasonal closure options were designed to provide various levels of protection to multiple seabird species which may have reduced, threatened, or endangered population levels. The general habitat closures are designed to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing. These areas would also serve as de facto harvest replenishment areas.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-31. The NRDC supports closing the area around the Farallon Islands to protect seabirds and marine mammals. They would also like the language in the MSFMP to include an expansion of the harvest replenishment zone section to discuss other types of closures and the rationales for them.	Agree. The Department proposes that the waters north of Pillar Point be designated as a general habitat closure area (Option Q.3). The Commission may choose from a reasonable range of options that offer seasonal closure areas for seabird protection (Option R), harvest replenishment areas, and/or general habitat closures (Option Q). The seasonal closure options were designed to provide various levels of protection to multiple seabird species which may have reduced, threatened, or endangered population levels. The general habitat closures are designed to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing. These areas would also serve as de facto harvest replenishment areas.
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-32. The CWPA supports the Department's preferred alternative (Option Q.1), which does not set aside additional areas specifically for harvest replenishment of market squid. They feel that the squid resource is already well protected by other existing time and area closures and by implementing a reasonable harvest limit.	Disagree. In the current version of the MSFMP, the Department has changed its preferred alternative from Option Q.1 to Q.3. The Department proposes that the waters north of Pillar Point be designated as a general habitat closure area (Option Q.3). The Commission may choose from a reasonable range of options that offer seasonal closure areas for seabird protection (Option R), harvest replenishment areas, and/or general habitat closures (Option Q). The seasonal closure options were designed to provide various levels of protection to multiple seabird species which may have reduced, threatened, or endangered population levels. The general habitat closures are designed to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing. These areas would also serve as de facto harvest replenishment areas.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-33. Processors have agreed to support the 52 vessel capacity goal (Option H.3) with the understanding that a limited number of additional active vessels would also qualify under the grandfather clause. However, they believe that the 52 vessel capacity goal should be a considered a conservative estimate. Processors believe that a fleet number of 65-75 active vessels, including a combination of limited-entry transferable permits plus active grandfathered vessels, would provide sufficient product to insure that all markets would have an equitable opportunity to obtain squid.	Comment noted. The comment expresses support for the Department's preferred Option H.3.
Karen Reyna, The Ocean Conservancy	verbal testimony provided to the Commission dated 1 August 2003	C-34. The Department should have an option that deals with regional management in restricted access.	See response to C-7.
Dan Yoakum, San Francisco Roe on Kelp Advisor, and Frank Bertoni, commercial fisherman	letters dated 16 September 2003 and 12 November 2003 and verbal testimony provided to Commission dated 5 December 2003	C-35. Author's comment mirrors C-34.	See response to C-7.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 16 September 2003	C-36. The Department should eventually allow for two permits to be attached to one vessel in order to reduce fleet size.	Comment noted. The proposed restricted access program provides two mechanisms to reduce the current fleet size without substantially disrupting the current squid fleet. First, the preferred option (Option I.1) would allow permit issuance only to vessels with specified levels of prior catch history. These permits would be transferable to vessels of similar capacity. Second, where transfer is sought to a vessel of greater capacity, the transfer would require that two permits be attached to a single vessel. This "two for one" transfer mechanism should lead to a gradual reduction in the fleet size over time.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 16 September 2003	C-37. Leave existing permits and allow for a northern California permit issuance coupled with a two year landing requirement of 10 to 15 landings of four tons each.	Comment noted. The Commission may continue the current permit moratorium (Option I.2) but that would not achieve the desired reduction in fleet size. Establishing a separate northern California permit program which would require 10-15 landings as a condition of renewal is not consistent with the goals or objectives of the MSFMP, as this would serve to increase fishing effort in areas of northern California that previously have not sustained a great deal of commercial squid fishing pressure. The Department is not recommending expansion of the fishery into unutilized areas due to forage concerns and the potential for adverse environmental impacts to marine living resources (Option Q.3); rather, it is recommending a reduction in the current fleet size to increase productivity within the existing fishery.
Frank Bertoni, commercial fisherman	letter dated 15 September 2003	C-38. The author opposes the proposed restricted access regulations and would prefer to limit the catch per vessel rather than limit the number of vessels.	Comment noted. The Commission may select from a range of options for the initial issuance of permits based on the degree of productivity and specialization that they deem reasonable. The Commission has the option of continuing the current moratorium (Option I.2). In addition, the Commission can choose not to establish daily trip limits (Option C.2), or they can establish a daily trip limit ranging from 30-138 tons daily for market squid vessels and 15 tons for brail vessels (Option C.1).



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele	CWPA, letter dated 20 October 2003	C-39. CWPA members would like to update the initial issuance criteria to specify 50 (or some number) landings in the last three fishing seasons. They believe that the number of initial qualifiers in today's active fleet would be equal to or fewer than 71 vessels.	Comment noted. At its December 16, 2003 special meeting, the Commission authorized the Department to publish a continuation notice of intent to provide additional alternatives and amendments to the proposed commercial squid fishery regulations including extending the Initial Issuance window period to March 31, 2003 (currently January 1, 1990-December 31, 2002) [Section 149.1(c)(3), Title 14, CCR]. The original range of catch history dates and volumes reflect the options presented to the Commission in the Draft MSFMP in August 2003. In developing those options, the Department prepared a reasonable range of window period and catch criteria options.
John Wilkes, squid light boat operator	email dated 21 October 2003	C-40. The author suggests that to qualify for a market squid light boat owner permit one must have returned one log book in during the proposed qualifying period with his or her person named as the operator. He also suggests that light boat operators be involved in the grandfather clause action.	Comment noted. The Commission has the option to consider 20-year fishermen as part of the light boat fleet. However, market squid vessel permits are issued only to the vessel owner and cannot be issued to the light boat operator. As for the 20-year fishermen provision, landing data maintained by the Department is an appropriate basis for documenting fishery participation (FGC § 8101). Because the Department cannot verify historical participation of a light boat, there is no provision in the restricted access options to issue 20-year fishermen non-transferable light boat owner permits.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 16 September 2003	C-41. Recommends a temporary permit fee of \$2,500 for residents, a \$5,000 out-of-state fee, and a \$5,000 transfer fee.	Disagree. The Commission may choose to establish an annual permit fee ranging from \$400 to \$5,000 based on the estimated cost to manage the fishery (Option J.1) (also see response C-43). The Commission may select a permit transferability fee between \$250 and \$1,000 (Option N.1 or N.2). An option to establish a \$5,000 transfer fee and a different out-of-state permit fee is not commensurate with the goal of setting a fee appropriate to the management needs of the resource. Temporary permit fees would not be a viable option as permits are issued on an annual basis.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Bob Strickland, United Anglers of California	letter dated 20 August 2003 which was presented at the 21 August 2003 marine subcommittee meeting	C-42. The United Anglers would like the permit fees raised to \$5,000 because they do not want the market squid fishery's management fees to be taken from other sources	Agree. The comment expresses support for the Department's preferred Option J.1. The Commission may select from a wide range of annual permit fees (\$400-\$5,000) based on the costs to manage the market squid fishery.
Diane Pleschner- Steele, CWPA	letter dated 20 October 2003	C-43. The CWPA opposes the Department's recommendation that all permit fees be set at \$5,000 regardless of permit class. They propose that permit fees be reduced to a level sufficient to fund administration and enforcement of the squid fishery in line with permit fees for other fisheries.	Disagree. By law, permit fees cannot exceed the cost of managing the market squid fishery (FGC § 8428.). The current baseline cost for maintaining existing Department programs that deal directly with market squid research, monitoring, enforcement, and license sales exceeds \$954,000 annually. Under the Department's preferred option, the number of permits issued would be 124 transferable and 20-year fishermen nontransferable permits issued. At a fee of \$5,000, this would generate a total of \$620,000. Since this fee is less than the total fishery management costs, other sources of revenue will be necessary to supplement the program. Although some revenue is generated from taxes levied on squid landings (\$3.80 per ton), the source of funding is variable and dependent entirely on the success of the fishery year-to-year.
Diane Pleschner- Steele, CWPA	letter dated 20 October 2003	C-44. The CWPA supports the Department's preferred alternative (Option K.3), which proposes a one for one transferability of vessel permits based on comparable capacity and 2 for 1 permit retirement for transfer to larger capacity vessels.	Comment noted. The comment expresses support for the Department's preferred Option K.3.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-45. Based on communications with fishermen, the CPWA supports the Department's preferred alternative (Option L.3), which establishes full transferability of market squid brail permits based on comparable capacity.	Comment noted. The comment expresses support for the Department's preferred Option L.3.
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-46. Based on communications with fishermen, the CPWA supports the Department's preferred alternative (Option M.3), which establishes full transferability of light boat permits with a 2 for 1 permit retirement until the capacity goal is reached.	Comment noted. The comment expresses the Association's support for Option M.3, the Department's preferred alternative.
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-47. Based on communications with fishermen, the CPWA supports the Department's preferred alternative (Option N.1), which recommends a transfer fee set at \$1,000.	Comment noted. The comment expresses support for the Department's preferred Option N.1.
Dan Yoakum, San Francisco Roe on Kelp Advisor, and Frank Bertoni, commercial fisherman	letters dated 16 September 2003, 12 November 2003	C-48. Recommends that the net depth be restricted to less than three fathoms and net size be no deeper than 17 fathoms and no longer than 150 fathoms to protect squid eggs.	Disagree. Net restrictions do not clearly address a specific management need or goal, and would be very program-intensive to enforce. The combination of MPAs, weekend closures, a seasonal catch limit, and a restricted access program is more effective in minimizing fishery impacts, resulting in reduced fishing effort on specific spawning aggregations and in other sensitive locations.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 16 September 2003	C-49. Recommends that light boats not be allowed in northern California.	Disagree. There is currently a ban on the use of light boats in District 10 (FGC§8399.1(a)). For other areas of northern California, the Department has no information at this time justifying a ban on light boats. The Commission can choose from several options regarding wattage limitation (15,000-30,000) (Option G.3) and light shields (maintain, modify, or eliminate current requirements)(Option G.4).
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-50. The CWPA supports the Department's preferred alternative (Option P.4) which establishes area and time closure areas restricting the use of attracting lights around Anacapa and Santa Barbara islands from February through September (one nm closure). However, they encourage the Commission to authorize additional research on the perceived impacts of lights and the squid fishery on seabird populations at such time as a collaborative proposal for such field research is developed.	Comment noted. The comment expresses support for the Department's preferred Option P.4.
Dan Yoakum, San Francisco Roe on Kelp Advisor	letter dated 16 September 2003 and verbal testimony provided to Commission dated 5 December 2003	C-51. The regions should have separate advisors to address each region's individual concerns.	Comment noted. The MLMA contemplates a collaborative process involving fishery participants and other interested parties, but does not mandate a particular format. The Commission may choose to establish one or two committees, or none. In order to provide a unified forum to facilitate the discussion of issues and the exchange of information, the Department recommends a single squid fishery advisory committee comprised of industry, science, and environmental community members of not more than 12 individuals (Option S.1).



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Diane Pleschner-Steele, CWPA	letter dated 20 October 2003	C-52. The CWPA agrees with the one-committee concept with the caveat that squid scientists be added to the existing compliment of SFAC members.	Comment noted. The comment expresses support for the Department's preferred Option Q.1.
Kate Wing and Karen Garrison, NRDC	letter dated 31 October 2003	C-53. The NRDC would like to see the data from the Channel Islands CEQA document be included in describing squid spawning grounds inside the MPAs.	Agree. The Department will incorporate data presented in the Channel Islands MPA Environmental Document as part of the description of spawning grounds inside the MPAs (see Section 1, page 1-149).
Dan Yoakum, San Francisco Roe on Kelp Advisor, and Frank Bertoni, commercial fisherman	letter dated 12 November 2003	C-54. Landings should not exceed 30 tons per vessel in a 24-hour period in an effort to conserve biomass in a specific area.	See response C-23.
Dan Yoakum, San Francisco Roe on Kelp Advisor, and Frank Bertoni, commercial fisherman	letter dated 12 November 2003 and verbal testimony provided to Commission dated 5 December 2003	C-55. Advisors should be established for the proposed Fort Bragg region.	See response C-51.
Dan Yoakum, San Francisco Roe on Kelp Advisor, and Frank Bertoni, commercial fisherman	letter dated 12 November 2003	C-56. A provision should be made for observers to access the squid fishery. The MSFMP could be amended to include an effective means to monitor the activity relative to this development in order to solve problems that may arise.	An observer program would be a component of research and monitoring contemplated in the market squid legislation. (FGC 8426(c).) A future observer program is recommended in Section 2 of the Environmental Document. The CA squid purse seine fishery is currently listed as a Category II fishery by NOAA Fisheries. Under this provision of the Marine Mammal Protection Act, observers can be requested at any time.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Dan Yoakum, San Francisco Roe on Kelp Advisor, and Frank Bertoni, commercial fisherman	letter dated 12 November 2003	C-57. Catch vessels should be allowed no more than 15,000 watts each.	Comment noted. The Commission can choose from several options regarding wattage limitation (15,000-30,000) (Option G.3) and light shields (maintain, modify, or eliminate current requirements) (Option G.4).
Rober Zuanich, Executive Director, Purse Seine Vessel Owners Association (PSVOA)	letter dated 5 December 2003	C-58. The PSVOA supports criteria for initial issuance that qualifies persons possessing a current valid permit and who made at least 50 landings between January 1, 1990, to December 31, 2002, or who fall under the 20-year fishermen provision.	Comment noted. The Commission may select from a reasonable range of regulatory options for the initial issuance of permits (Option I.1) or may continue the current moratorium (Option I.2).
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-59. The PSVOA proposes that a reduced number of permits and ultimate capacity goal be implemented over a 3-5 year period utilizing the following: (1) permit holders may move to larger capacity vessels, which will require ownership of a second permit and absorption of potential latent permits, (2) establish a relatively high permit fee that will discourage ownership for speculative purposes, (3) impose ongoing landing requirements as condition of renewing the permit, and (4) re-evaluate the limited entry program in 2007 to determine if the program is achieving capacity goal objectives.	(1) Comment noted. The Commission may select from a reasonable range of options for the transferability of a squid permit (vessel, light boat, and brail) based on other determinations within the MSFMP, including capacity goal and initial limited entry permit issuance criteria. (2) Comment noted. The Commission may select from a wide range of annual permit fees (\$400-\$5,000) based on the costs to manage the market squid fishery. (3) Comment noted. Currently, the regulations do not have an option within restricted access that impose ongoing landing requirements as a condition of renewing a permit. (4) Comment noted. It is the Commission's policy that each restricted access program be reviewed at least every four years, and if appropriate, revised to ensure that it continues to meet the objectives of the State and the fishery participants. The MLMA requires a review of each marine fishery every four years. (FGC §7065(a).)



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-60. PSVOA maintains that permits established under either criterion (see C-58) should be fully transferable; however, this approach does not accelerate an ultimate capacity goal. For this reason, PSVOA would support an alternative that made grandfathered permits non-transferable.	Comment noted. The comment expresses support for the Department's preferred Option K.3.
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-61. PSVOA supports the Department's limited entry criteria for light boat permits provided that criteria is supplemented to provide for an equal number of vessel and light boat permits. Therefore, current vessel permit holders who do not qualify for a vessel permit on or after April 1, 2004, should qualify for a light boat permit based on total landings between January 1, 1990, and December 31, 2002.	Comment noted. Although the number of light boat permits issued under the initial issuance criteria is less than the number of vessel permits, the proposed transferability option for light boat owners permits (Option M.3) provides a mechanism to achieve the proposed capacity goal. Also, because brail vessels function largely as light boats, market squid brail permits would be part of the total light boat capacity goal of 52 vessels.
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-62. PSVOA supports an 118,000 seasonal catch limited based on a recent three year average catch.	Comment noted. The comment expresses support for the Department's preferred Option A.2.
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-63. PSVOA supports trip limits to improve quality, price stability, and capacity goal objectives. If not imposed in the initial MSFMP, then it should be a focus item for the Advisory Committee.	See response to C-38.
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-64. PSVOA supports continued statewide closure of the fishery from noon Friday to noon Sunday.	Comment noted. The comment expresses support for the Department's preferred Option D.1.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-65. PSVOA opposes the setting aside of additional areas for harvest replenishment. Current and potential new set asides under the MLPA, weekend closures, and further restriction of vessel permits will provide ample resource protection.	Comment noted. See response to C-30.
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-66. PSVOA supports relatively high and uniform fees to reach capacity goal objectives and fund necessary Department research.	Comment noted. The Commission may select from a reasonable range of annual permit fees (\$400-\$5,000) based on the costs to manage the market squid fishery. The Department recommends that all permit fees be set at \$5,000, regardless of permit class (Option J.1). See also response to C-43.
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-67. PSVOA maintains that vessels could utilize more environmentally benign fishing gear without sacrificing efficiency or productivity. This issue should be a focus item for the Advisory Committee.	See response to C-48.
Rober Zuanich, Executive Director, PSVOA	letter dated 5 December 2003	C-68. PSVOA supports establishment of a broad based advisory committee which could work in concert with the PFMC advisory committee for other coastal pelagic species.	Comment noted. The comment expresses support for the Department's preferred Option S.1.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Ernest S. Pagan, market squid light boat operator	letter dated 2 December 2003	C-69. Permits should not be transferable.	Comment noted. The Commission may select from a reasonable range of options for the transferability of vessel, brail, and light boat market squid permits (Options K, L, and M). By not allowing transferable permits, the attrition of the fleet would be more rapid; however, it will likely not meet the practical needs of working vessels and can have implications for vessel safety. Transferable permits would promote conservation among fishery participants, provide for an orderly fishery, and maintain long-term economic viability of the fishery.
Ernest S. Pagan, market squid light boat operator	letter dated 2 December 2003	C-70. The moratorium should be extended another year.	Comment noted. The Legislature contemplated the moratorium only as an interim measure, to be succeeded by active management pursuant to the MLMA. (FGC §8425(b).)
Ernest S. Pagan, market squid light boat operator	letter dated 2 December 2003 and verbal testimony provided to Commission dated 5 December 2003	C-71. Does not support closures north of Pillar Point.	See response to C-32.
Ernest S. Pagan, market squid light boat operator	letter dated 2 December 2003 and verbal testimony provided to Commission dated 5 December 2003	C-72. Catch history should not be recognized under the initial issuance criteria.	Disagree. The Commission may select from a reasonable range of options for the initial issuance of permits or may continue the current moratorium. However, not recognizing catch history under initial issuance criteria does not meet the capacity goal for the squid fleet and would contribute to excess vessel capacity, which is inconsistent with both the MLMA objective of providing for an orderly fishery or maintaining the long-term economic viability of the squid fishery as well as the Commission's Policy on Restrict Access Commercial Fisheries.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Ernest S. Pagan, market squid light boat operator	letter dated 2 December 2003 and verbal testimony provided to Commission dated 5 December 2003	C-73. Permit fees should not be set at \$5,000.	See response to C-43.
William J Douros, Superintendent, Monterey Bay National Marine Sanctuary	letter dated 10 October 2003	C-74. The preferred option of 118,000 tons is derived from the average of the previous three years when a larger, more representative data set was available. The Sanctuary recommends that both a more representative time frame be considered, and that the average for such a period be reduced by a percentage that reflects the lack of a reliable biomass estimate.	See response to C-10.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
William J Douros, Superintendent, Monterey Bay National marine Sanctuary	letter dated 10 October 2003	C-75. The Sanctuary supports Option A.1, which sets the catch limit at 80,000 tons, as this will be more likely to ensure the health of both the marine ecosystem and one of the region's most profitable fisheries. The Sanctuary believes that setting the harvest limit at a record high is not sufficiently risk averse giving the paucity of information available or the importance of squid to the ecosystem. As very little is known about the relationship between the stock size and recruitment levels, allowing for only 30% escapement is inadequate for managing such a significant forage species.	See responses to C-10 and C-13.
William J Douros, Superintendent, Monterey Bay National marine Sanctuary	letter dated 10 October 2003	C-76. The Sanctuary suggests that the biological and economic feasibility of the limited entry program is premised on an overestimate of annual catch rates. The preferred alternative includes an inflated level of capacity and should be reduced to be commensurate with a lower catch rate.	Disagree. The MSFMP is consistent with both the MLMA and the Commission's restricted access policy. The capacity goals are not anticipated to adversely impact on the sustainability of the resource. Instead, the capacity goal options (Option H.1, H.2, H.3, and H.4) were designed to provide for an orderly and sustainable fishery and to maintain the long-term economic viability of the fishery. At the current time, the market squid fishery has excess harvesting capacity that will lead to a decline in economic efficiency. While an optimal fleet size (Option H.1) would be very small compared with the status quo, the Department recognized that a moderately productive and specialized fleet (Option H.2 and H.3) would be less disruptive in terms of displacing vessels from the fishery and, thus, reduce impacts on fishing communities.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Terrence Mines, commercial fisherman	letter dated 27 November 2003	C-77. Does not support the Department preferred alternative regarding initial issuance of permits (Option I.1), specifically the initial issuance criteria for market squid brail permits.	Comment noted. The Department's preferred initial issuance criteria for market squid brail permits (Option I.1) was based on an analysis of landings information that indicates that current squid permittees who have actively participated in the brail fishery have done so by making an average of 10 landings per season from 1981 to 1999. The Commission may select from a range of landings (5-25) in a window period (range between 1/1/90-11/12/99 and 1/1/90-12/31/02) based on the degree of productivity and specialization that they would like the fleet to have.
Terrence Mines, commercial fisherman	letter dated 27 November 2003	C-78. Would like to be able to fish for squid seven days a week.	Disagree. The statewide weekend closure is an environmentally protective precautionary measure to provide spawning squid at least two consecutive nights each week respite from fishing pressure. However, the Commission has the option to eliminate the current weekend closure provision in the scope of options presented (Option D.2).
Kathy and Steve Fosmark, commercial fishers	letter dated 4 December 2003	C-79. Do not support restricted access.	Comment noted. The possibility of a restricted access program was contemplated by the Legislature in the market squid legislation, as well as in the MLMA. (FGC §§ 7082(b), 8420(e), 8426(c).)
Kathy and Steve Fosmark, commercial fishers	letter dated 4 December 2003	C-80. Do not support closing the area north of Pillar Point to squid fishing because squid are pelagic and may move for reasons beyond our control.	See response to C-32.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Frank Bertoni, commercial fisherman	letter dated 17 November 2003	C-81. The MSFMP does nothing to protect spawning squid as the current fishery targets squid at their prime spawning state.	Disagree. Currently, the fishery only targets squid during spawning events in limited geographical areas. Fisheries independent data suggests that squid distribution is widespread and that fishing does not occur in all areas of distribution. The data also suggests that not all spawning grounds are targeted. Historical evidence gathered from research surveys along the west coast, as well as recent catch data, suggests that the squid biomass may be very large at times and distributed widely along the entire west coast. In addition, the combination of MPAs, general habitat closures, weekend closures, a seasonal catch limit, and a restricted access program will minimize resource impacts, by reducing fishing effort on specific spawning aggregations and in other sensitive locations.
Gerry McChesney, seabird biologist with US Fish and Wildlife	verbal testimony provided to Commission dated 5 December 2003	C-82. Does not recommend removing the Channel Islands from weekend closures.	Comment noted. Option D.3 is not the Department's preferred option. However, the Commission may choose from a range of options regarding weekend closures depending on the level of protection it deems reasonable.
Gerry McChesney, seabird biologist with US Fish and Wildlife	verbal testimony provided to Commission dated 5 December 2003	C-83. Supports wattage limitations but is unclear as to how these reductions will help the squid resource.	Comment noted. The gear restriction is intended to reduce fishery interactions with nesting seabirds and disturbance to coastal communities. The Commission can choose from a reasonable range of options regarding wattage limitation (15,000-30,000) (Option G.3) and light shields (maintain, modify, or eliminate current requirements) (Option G.4).
Gerry McChesney, seabird biologist with US Fish and Wildlife	verbal testimony provided to Commission dated 5 December 2003	C-84. Supports closures around San Miguel, Anacapa, and Santa Barbara Islands; however, he recommends that the time closure be extended through November 30.	Comment noted. The Commission may choose from a reasonable range of options that offer seasonal closure areas for seabird protection, harvest replenishment areas, and/or general habitat closures. The option to extend the time closure around San Miguel, Anacapa, and Santa Barbara Islands was added based on the request made of the Commission by Mr. McChesney (Options R.10 and R.11).



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Gerry McChesney, seabird biologist with US Fish and Wildlife	verbal testimony provided to Commission dated 5 December 2003	C-85. Would like the one nm closures around Santa Barbara Island to include Sutil Island; would also like the one nm closures around San Miguel to include Castle Rock and Prince Island.	Comment noted. The one nm closures presented under Option R (area and time closures to address seabird issues) include Sutil Island. Prince Island is within a designated MPA, while Castle Rock is in close proximity to two MPAs.
Russel Bradley, Point Reyes Bird Observatory	verbal testimony provided to Commission dated 5 December 2003	C-86. Recommends that there should be area closures restricting squid fishing in all waters of the Gulf of the Farallones National Marine Sanctuary.	<p>Comment noted. The Department has added options (under Seasonal Closure Areas for Seabird Protection, Option R, and/or Harvest Replenishment Areas and/or General Habitat Closures, Option Q) that would, if adopted, prohibit the take of market squid for commercial purposes in specified northern California waters. The Department proposes that the waters north of Pillar Point be designated as a general habitat closure area year round (Option Q.3).</p> <p>These options are intended to protect living marine resources from direct and indirect squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing. Options include closing all waters to the commercial take of squid north of Pillar Point at any time, prohibiting the commercial take of squid in any waters of the Gulf of the Farallones National Marine Sanctuary, prohibiting the take of squid for commercial purposes in waters extending offshore one nautical mile from the mean high water mark of Southeast Farallon Island, Middle Farallon Island, North Farallon Island and Noon Day Rock, or prohibiting the take of squid for commercial purposes in District 10.</p>
Joelle Buffa, US Fish and Wildlife	verbal testimony provided to Commission dated 5 December 2003	C-87. Recommends that there should be area closures restricting the use of lights, including deck lights, within one nm of the Farrallon Islands breeding colonies.	See responses to C-30 and C-86.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Joelle Buffa, US Fish and Wildlife	verbal testimony provided to Commission dated 5 December 2003	C-88. Recommends that there should be area closures restricting the use of lights within one nm of Pillar Point.	See responses to C-30 and C-86.
Joelle Buffa, US Fish and Wildlife	verbal testimony provided to Commission dated 5 December 2003	C-89. Recommends that the Farallon Islands be closed to squid fishing year-round.	See responses to C-30 and C-86.
Kate Wing, NRDC	verbal testimony provided to Commission dated 5 December 2003	C-90. Would like the Department to extend the season closures around the Farallon Islands for seabird protection from September 30 to November 30.	See responses to C-30 and C-86.
Kate Wing, NRDC	verbal testimony provided to Commission dated 5 December 2003	C-91. Would like the Department to add an area closure that would include waters extending offshore one nm from the mean water mark north of Pillar Point.	See responses to C-30 and C-86.
Heather Monroe, West Coast Seafood Processors Association	verbal testimony provided to Commission dated 5 December 2003	C-92. Would like the Department to include an option under the initial issuance of permits (Option I.1) that extends the window period to March 31, 2003.	Comment noted. The Department has added the new window period of 1/1/90 through 3/31/03 to Table 3-16 listed under initial issuance of permits (Option I.1)
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 5 December 2003	C-93. Opposes the setting aside of additional areas for seabird protection. Believes that the MPAs will provide enough protection to the seabird populations.	Comment noted. The Commission may choose from a reasonable range of options that offer seasonal closure areas for seabird protection, harvest replenishment areas, and/or general habitat closures. They may also chose not to establish additional area and time closures in regards to seabird issues.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 5 December 2003	C-94. Supports a season catch limitation of 118,000 tons.	Comment noted. The comment expresses support for the Department's preferred Option A.2.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 5 December 2003	C-95. Supports the Department's recommendation for limited entry.	The comment expresses support the Department's preferred Option I.1.
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 5 December 2003	C-96. Opposes the Department's recommendation that all permit fees be set at \$5,000 regardless of permit class. Would support a \$1,000 fee, however, and suggests that the Department could raise the squid tax instead of increasing the permit fee.	See response to C-43
Donald Brockman, California Squid Fishermen's Association	verbal testimony provided to Commission dated 5 December 2003	C-97. Does not support a wattage limitation set at a value of 15,000 watts; however, would be willing to support a wattage limitation set at a value between 20,000 and 25,000 watts.	Comment noted. The Commission can choose from several options regarding wattage limitation (15,000-30,000) and light shields (maintain, modify, or eliminate current requirements).
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 5 December 2003	C-98. Supports experimental permits (Option O) and would like to see two permits issued for the area from Point Reyes to Mendocino and three permits issued for the area from Eureka to Crescent City.	See response to C-4.
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 5 December 2003	C-99. Supports Option A.5 which maintains the existing season catch limitation of 125,000 tons.	Comment Noted. The Commission may choose a seasonal catch limit of 24,000 to 125,000 tons depending on the precautionary level they deem reasonable.
Dan Yoakum, San Francisco Roe on Kelp Advisor	verbal testimony provided to Commission dated 5 December 2003	C-100. Supports closures.	Comment noted. See response to C-30.



Table 1-4 Summary of public comment received from 7 July 2003 through 1 February 2004.			
Speaker/ Organization	Comment Format	Summary of Comment	Department Response
Jim Bassler, commercial fisherman	verbal testimony provided to Commission dated 5 December 2003	C-101. Supports experimental permits.	See response to C-4.
Karen Reyna, The Ocean Conservancy	verbal testimony provided to Commission dated 5 December 2003	C-102. Supports regional management and would like to see an additional management area added.	See response to C-7.
Paul Weakland, dive boat operator	verbal testimony provided to Commission dated 5 December 2003	C-103. Does not support closures around the Farallon Islands.	See response to C-93.

